Standing Orders

SOUTH AUSTRALIA

The

Standing Orders

OF THE

LEGISLATIVE COUNCIL

RELATING TO

PUBLIC BUSINESS

TOGETHER WITH THE

Joint Standing Orders

AGREED TO BY BOTH HOUSES

Ordered to be printed with amendments, 10 February 2022
# Table of Contents

**STANDING ORDERS**

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>I. INTRODUCTORY</td>
<td>1</td>
</tr>
<tr>
<td>II. PROCEEDINGS ON THE OPENING OF PARLIAMENT</td>
<td>2</td>
</tr>
<tr>
<td>III. ELECTION OF PRESIDENT</td>
<td>4</td>
</tr>
<tr>
<td>IV. ABSENCE OF PRESIDENT AND VACANCY DURING SESSION. The Clerk</td>
<td>6</td>
</tr>
<tr>
<td>V. MEMBERS’ ROLL. THE MINUTES</td>
<td>7</td>
</tr>
<tr>
<td>VI. ATTENDANCE OF MEMBERS AND LEAVE OF ABSENCE</td>
<td>8</td>
</tr>
<tr>
<td>VII. CALL OF THE COUNCIL</td>
<td>9</td>
</tr>
<tr>
<td>VIII. PLACES OF MEMBERS</td>
<td>10</td>
</tr>
<tr>
<td>IX. SITTING AND ADJOURNMENT OF COUNCIL. WANT OF QUORUM</td>
<td>11</td>
</tr>
<tr>
<td>X. THE NOTICE PAPER. ORDER IN BUSINESS</td>
<td>15</td>
</tr>
<tr>
<td>XI. PETITIONS</td>
<td>19</td>
</tr>
<tr>
<td>XII. GIVING OF NOTICES</td>
<td>22</td>
</tr>
<tr>
<td>XIII. QUESTIONS TO MEMBERS</td>
<td>24</td>
</tr>
<tr>
<td>XIV. MOTIONS. QUESTIONS FROM THE CHAIR. AMENDMENTS. PREVIOUS QUESTION</td>
<td>25</td>
</tr>
<tr>
<td>XV. ORDERS OF THE DAY</td>
<td>33</td>
</tr>
<tr>
<td>XVI. RESOLUTIONS AND ORDERS</td>
<td>34</td>
</tr>
<tr>
<td>XVII. CONDUCT OF MEMBERS AND ORDER IN DEBATE</td>
<td>35</td>
</tr>
<tr>
<td>XVIII. DISORDER. SUSPENSION. ARREST</td>
<td>44</td>
</tr>
<tr>
<td>XIX. DIVISIONS</td>
<td>47</td>
</tr>
<tr>
<td>XX. THE BALLOT</td>
<td>50</td>
</tr>
<tr>
<td>CHAPTER</td>
<td>PAGE</td>
</tr>
<tr>
<td>---------</td>
<td>------</td>
</tr>
<tr>
<td>XXI. Addresses</td>
<td>51</td>
</tr>
<tr>
<td>XXII. MESSAGES FROM THE GOVERNOR</td>
<td>53</td>
</tr>
<tr>
<td>XXIII. COMMUNICATION BETWEEN THE TWO HOUSES BY MESSAGES, CONFERENCES AND COMMITTEES</td>
<td>54</td>
</tr>
<tr>
<td>XXIV. Public Bills</td>
<td>59</td>
</tr>
<tr>
<td>XXV. Committees of the Whole Council</td>
<td>82</td>
</tr>
<tr>
<td>XXVI. Select Committees, Standing Committees</td>
<td>87</td>
</tr>
<tr>
<td>XXVII. Instructions</td>
<td>96</td>
</tr>
<tr>
<td>XXVIII. Witnesses</td>
<td>98</td>
</tr>
<tr>
<td>XXIX. Strangers</td>
<td>101</td>
</tr>
<tr>
<td>XXX. Papers and Documents</td>
<td>102</td>
</tr>
<tr>
<td>XXXA Citizens Right of Reply</td>
<td>105</td>
</tr>
<tr>
<td>XXXB Code of Conduct Members of Parliament</td>
<td>107</td>
</tr>
<tr>
<td>XXXI. Suspension and Duration of Standing Orders</td>
<td>110</td>
</tr>
</tbody>
</table>

**JOINT STANDING ORDERS** | 111
The Standing Orders

OF THE

Legislative Council

RELATING TO

PUBLIC BUSINESS

Amended and amendments adopted by the Council, 6th and 22nd October, 1903, and approved by the Governor, 30th October, 1903.
Amended and amendments adopted by the Council, 4th August, 1914, and approved by the Governor, 13th August, 1914.
Further amended and amendment adopted by the Council, 19th November, 1918, and approved by the Governor, 10th July, 1919.
Further amended and amendments adopted by the Council, 2nd October, 1924, and approved by the Governor, 23rd October, 1924.
Further amended and amendment adopted by the Council, 6th December, 1939, and approved by the Governor, 11th January, 1940.
Further amended and amendments adopted by the Council, 22nd September, 1953, and approved by the Governor, 24th September, 1953.
Further amended and amendments adopted by the Council, 6th October, 1953, and approved by the Governor, 8th October, 1953.
Further amended and amendment adopted by the Council, 4th October, 1956, and approved by the Governor, 11th October, 1956.
Further amended and amendments adopted by the Council, 14th April, 1987, and approved by the Governor, 7th May, 1987.
Further amended and amendments adopted by the Council, 12 October 2021 and 18 November, 2021, and approved by the Governor, 3 February 2022.
INTRODUCTORY

CHAPTER I

INTRODUCTORY

1. In all cases not provided for hereinafter or by Sessional or other Orders, the President shall decide, taking as the guide the rules, forms and usages of the House of Commons of the Parliament of the United Kingdom of Great Britain and Northern Ireland in force from time to time so far as the same can be applied to the proceedings of the Council or any Committee thereof.

2. Except so far as is expressly provided herein, these Standing Orders shall in no way restrict the mode in which the Council may exercise and uphold its powers, privileges, and immunities.

3. The words and phrases following shall in these Orders have and include the meanings hereby respectively assigned to them, viz:-

“Council” - The Legislative Council of South Australia; or the said Council sitting as a House and not in Committee:

“Clerk” - The Clerk of the Legislative Council and Clerk of the Parliaments:

“Black Rod” - The Usher of the Black Rod:

“Minutes” - The Minutes of the Proceedings of the Legislative Council:

“Leave of the Council” - Leave granted without dissentient voice:

“Written” and “in writing” - Written by hand or printed, or partly the one and partly the other.

4. All previous Standing Rules and Orders of this Council relating to Public Business are hereby repealed.
5. On the Council assembling pursuant to the Proclamation convening the Parliament for the dispatch of business, the Clerk shall read the Proclamation, and the Council shall then await the arrival of the Governor or the Commission representing the Governor.

6. The Governor on arrival shall be announced by Black Rod, and shall be conducted to the Chair by the President, who shall take the chair on the right hand of the Governor.

7. The Commissioners of the Governor shall be announced and introduced to the Chamber by Black Rod. The Commission shall be read by the Clerk.

8. The Message to the House of Assembly from the Governor or Commissioner, requiring the attendance of that House in the Council Chamber shall be delivered by Black Rod. When the Members of the Assembly have come with their Speaker into the Chamber, the Bar shall be drawn until the departure of the Governor or the Commissioners.

See also Order No. 15.

9. New Members present shall be admitted within the Bar and take and subscribe the Oath or Affirmation provided by the Constitution, the Writ of Election of each Member, with the Return duly endorsed thereon, having been previously received and laid upon the Table.

10. If the office of President be vacant, the Council shall proceed to the election of a President, in manner hereinafter provided, so soon as the Commissioners shall have withdrawn.

See Orders Nos. 16-23.
OPENING OF PARLIAMENT

11. Standing Committees shall be appointed. 
See Order No. 414.

12. The President shall lay on the Table a copy of the Governor’s Opening Speech, and a Committee to prepare a draft Address in Reply thereto shall be nominated, to whom the said Speech shall stand referred.
See Order No. 377.

13. The Address, when reported by the Committee, shall be considered by the Council, and, when adopted, shall be presented to the Governor by the President, accompanied by any Members of the Council who may think fit to attend.
See also (Addresses) Orders Nos. 239-241.


15. When the Opening Speech is delivered by the Sovereign in person:

(a) The Message to the House of Assembly mentioned in Standing Order No. 8 need not be sent and the Speaker and Members of the House of Assembly may be admitted to the Legislative Council Chamber without any such message;

(b) Standing Order No. 5 shall apply as if the words “the Sovereign” were substituted for the words “the Governor or the Commission representing the Governor”;

(c) Standing Order No. 6 shall apply as if the words “the Sovereign” were substituted for the words “The Governor”;

(d) Standing Orders Nos. 12 and 14 shall apply as if the words “Speech of the Sovereign” were substituted for the words “Governor’s Opening Speech”;

(e) Subject to the preceding paragraphs, the procedure set out in these Orders shall apply as when the Opening Speech is delivered by the Governor.
A Member proposed as President.

16. At the time for election of a President a Member, addressing the Clerk, shall propose another Member then present to the Council for their President, and move that such Member be President of the Council.

See Order No. 10.

17. Such motion having been seconded, if no other Member is proposed as President, the Member so proposed, being called to the Chair without question put, shall submit to the House; and being again called upon shall be conducted by the Mover and Seconder to the Chair.

18. In the event of there being two Members proposed and seconded for the office of President, the votes shall be taken by each Member of the Council then present delivering to the Clerk in writing the name of the Member whom the Member considers most fit and proper to be the President of the Council; and the Member obtaining the greater number of votes shall be declared elected, and conducted to the Chair as aforesaid.

19. If more than two Members have been so proposed and seconded the votes shall be taken in like manner, and the Member having the greatest number of votes shall be the President, provided that the Member has also a majority of the votes of the Members present; but if no candidate has such majority the name of the Member who has the smallest number of votes shall be withdrawn, and the votes shall be taken for the remaining candidates in like manner until the number is reduced to two; and of such two the Member in like manner obtaining the greater number of votes shall be the President, and shall be conducted to the Chair in manner aforesaid.
ELECTION OF PRESIDENT

20. In the event of there being an equality of votes between candidates having the smaller number, or when the number of candidates is, or has been reduced to, two, the Clerk shall declare such to be the case, and the votes shall be again taken; when, if again there shall be an equality of votes, the Clerk shall determine by lot which name of such candidates shall be withdrawn, or which shall be deemed to have obtained the greater number of votes, as the case may be.

21. Prior to the President assuming the Chair, the Clerk shall act as Chairperson of the Council.

22. The President having assumed the Chair, and having received and acknowledged the congratulations of the Council, the Council shall notify such election to the Governor, by a Deputation of the said Council, at such time as the Governor shall be pleased to appoint.

23. In presentation to the Governor, the President shall, in the name and on behalf of the Council, lay claim to the right of free access to and communication with the Governor, and that the most favourable construction may be placed upon all the proceedings of the Council; and, being returned to the Chamber, the President shall report the circumstances of the presentation, and the reply of the Governor to the Deputation.
ABSENCE OF PRESIDENT - THE CLERK

CHAPTER IV

ABSENCE OF PRESIDENT AND VACANCY
DURING SESSION - THE CLERK

24. Whenever the Council shall be informed by the Clerk at the Table of the unavoidable absence of the President, the Council shall choose some other Member who shall fill the office and perform the duties of President in relation to all proceedings of the Council as Deputy President until the next meeting of the Council, the question being put to the Council by the Clerk; and so on from day to day, on the like information being given to the Council, until the Council shall otherwise order: Provided that, if the Council shall adjourn for more than twenty-four hours, the Deputy President shall continue to perform the duties and exercise the authority of President for twenty-four hours only after such adjournment.

25. In case of the absence of the President in consequence of leave granted to the President by the Council, the Council shall, in like manner, choose some other Member to fill the office and perform the duties of the President as Deputy President, and such other Member shall have all the powers and authorities of the President during such absence.

26. When a vacancy occurs in the office of President during a Session, the Clerk shall report the same to the Council on its next meeting, and the Council shall forthwith proceed to the election of a new President in the manner hereinbefore provided.

See Orders Nos. 16-23.

27. In the case of the unavoidable absence or the illness of the Clerk, the Clerk’s duties shall be performed by the Deputy Clerk.
28. A Members’ Roll shall be kept by the Clerk, showing the names of the Members elected, the date on which each Member was elected and takes the Oath or Affirmation, and the date of each Member’s ceasing to be a Member and the cause thereof. The name of each Member shall be written in the Member’s own handwriting on the said Roll, on the day on which such Member takes the Oath or Affirmation.

29. All proceedings in the Council and in Committee shall be noted by the Clerk, and, being printed, shall be signed by the Clerk, and shall constitute the “Minutes of the Proceedings of the Legislative Council”.

30. The Clerk shall keep a record of the names of all Members present during any part of each day’s proceedings, such record to be appended to each day’s Minutes.

31. The custody of all Documents and Papers belonging to the Council shall be in the Clerk who shall not permit any to be removed from the offices or produced in evidence without the express leave or order of the President or Council.

See also Orders Nos. 400, 444.
CHAPTER VI

ATTENDANCE OF MEMBERS AND LEAVE OF ABSENCE

32. Every Member shall attend the service of the Council, unless leave of absence be given to the Member by the Council.

See Constitution Act, section 17, regarding absence of Members for 12 consecutive sitting days without leave.

33. Leave of absence may be given by the Council to any Member for any sufficient cause to be stated to the Council. With the exception that a Member who is pregnant shall be entitled, without vote of the Council, to twenty weeks maternity leave of absence, and that leave shall commence at a time notified by the President.

34. Notice shall be given of a motion for giving leave of absence except for a period of maternity leave, to any Member, stating the cause and period of absence.

See (Priority on Notice Paper) Order No. 64.

35. A Member shall be excused from service in the Council or on any Committee so long as the Member has leave of absence.

36. Any Member, having leave of absence, shall forfeit the same by attending the service of the Council before the expiration of such leave except for a period of maternity leave.
37. No order for a Call of the Council shall be made for any day earlier than seven days from the day on which such order shall have been made.

38. A notice of the order for a Call of the Council, signed by the Clerk, shall be forwarded to each Member of the Council.

39. For the purpose of enabling such notice to be given, Members shall, at the commencement of each Session, or so soon as they shall have taken their seats, enter their names and addresses in a book to be kept by the Clerk.

40. The order for calling over the Council on a future day shall be set down as the first Order of the Day for the day so appointed.

41. When the Order of the Day for calling over the Council is read, unless the same be postponed or discharged, the names of the Members shall be called over by the Clerk alphabetically.

42. The names of all Members who do not answer when called shall be taken down by the Clerk, and subsequently called over a second time; when those who answer, or afterwards attend in their places on the same day, may be excused.

43. Members not attending in their places on the day of a Call of the Council may be ordered to attend on a future day.
CHAPTER VIII

PLACES OF MEMBERS

44. The seats nearest to the right hand of the President shall be reserved for Members holding office under the Crown.

45. Whenever a change of a Minister holding office under the Crown takes place, the outgoing Minister shall be entitled to take the seat vacated by the Minister’s successor.

46. Any question with regard to the seats to be occupied by new Members shall be determined by the President.

47. Members shall be entitled to retain the seats occupied by them at the time of their taking their seats for the first time after their election, so long as they may continue Members of the Council without re-election.
CHAPTER IX

SITTING AND ADJOURNMENT OF COUNCIL - WANT OF QUORUM

48. The Council shall, unless otherwise ordered, meet for the dispatch of business on Tuesday, Wednesday, and Thursday in each week of the Session, at the hour of fifteen minutes past two o’clock in the afternoon.

49. The bells shall be rung for five minutes prior to the time appointed for the meeting of the Council.

50. The President shall take the Chair at the time appointed for the meeting of the Council; and if a *Quorum be not present before the expiration of ten minutes after that time, the President shall declare the Council adjourned to the next sitting day.

51. Upon the President taking the Chair each day, the President, or the President’s delegate, shall read the following Prayers and acknowledgement of country and traditional owners:

Almighty God, we humbly beseech Thee to vouchsafe Thy blessing upon this Parliament. We pray Thee to direct and prosper our deliberations to the advancement of Thy Glory and the true Welfare of the people of this State.

Our Father, which art in Heaven, Hallowed by Thy Name. Thy Kingdom come. Thy will be done in earth, as it is in Heaven. Give us this day our daily bread. And forgive us our trespasses, as we forgive them that trespass against us. And lead us not into temptation; but deliver us from evil: For thine is the Kingdom, and the power, and the glory, for ever and ever. Amen.

* By the Constitution Act, section 26, a quorum of the Council consists of at least 10 Members, including the President, or the person chosen to preside in the President’s absence.
SITTING AND ADJOURNMENT - QUORUM

We acknowledge Aboriginal and Torres Strait Islander peoples as the traditional owners of this country throughout Australia, and their connection to land and community.

We pay our respects to them and their cultures, and to Elders both past and present.

Whilst prayers and acknowledgment of country and traditional owners are being read, Members shall stand in their places, the Bar being drawn.

52. A Member, having entered the Chamber after the time appointed for the meeting of the Council, shall not be permitted to withdraw until a Quorum be made up or the Council adjourn.

53. If it shall appear, on the report of a Division of the Council by the Tellers, or upon the report of the Chairperson of Committees, that a Quorum is not present, the President shall forthwith adjourn the Council to the next sitting day. No decision shall be considered to have been arrived at by such Division.

See (in Committee) Orders Nos. 368, 369.

54. If a Member shall, at any time after the commencement of business, take notice that a Quorum is not present, the President shall count the Council; whereupon, if a Quorum be not present, the bells shall be rung as for a Division, and if a quorum be not made up before the expiration of two minutes, the President shall then forthwith adjourn the Council to the next sitting day.

See (Taking Notice) Order No. 182; (Divisions) Order No. 222.

55. When the President so proceeds to count the Council, no Member shall leave the Chamber until a Quorum be made up or the Council adjourn.
56. Whenever the Council is adjourned for want of a Quorum, the hour of adjournment and the names of the Members then present shall be entered in the Minutes.

57. Whenever the Council is adjourned for want of a Quorum to the next sitting day, and the same shall prove to be a public holiday proclaimed by the authority of the Government, then the Council shall stand adjourned to the next succeeding sitting day.

58. Except in the cases provided for in Orders Nos. 50, 53, 54 and 213, the Council can only be adjourned by its own resolution.

59. A motion “That the Council do now adjourn” may be made without notice at any time when no other Member is speaking or in possession of the House, and shall be moved and seconded without discussion and be immediately determined; but, if it be negatived, no such motion shall be again made within the next fifteen minutes, except by a Minister of the Crown.

This motion shall not be made or seconded during a debate by any Member who has already spoken in the debate, nor may the Mover of this Motion during the same debate either move it a second time or second it if moved by another Member; and similarly, a Seconder of this motion shall not subsequently move or again second it; but Members so moving or seconding shall not be held to have spoken in the debate.

See (Possession of House) Order No. 166; and (Other Summary Motions) Orders Nos. 127, 195.
SITTING AND ADJOURNMENT - QUORUM

60. If at half-past six of the clock the Council or a Committee of the Whole be sitting, the sitting of the Council or Committee shall be suspended for one hour, unless otherwise ordered: Provided that, if at the said time a Ballot or a Division shall have been ordered, the President, or the Chairperson of Committees, as the case may be, shall not leave the Chair until such Ballot or Division shall have been taken and any formal business immediately consequent thereon shall have been completed; after which it shall be in order on motion, without discussion or amendment -

I. To adjourn any question still pending, and any business remaining on the Notice Paper, to a future day;

and

II. To adjourn the Council,

but if any one of these motions be negatived, the sitting shall be forthwith suspended for one hour.

61. A sitting of the Council may be temporarily suspended at any time on the motion of a Minister of the Crown.

Order in Business, see Orders Nos. 67-78; Resumption of Business, see Orders Nos. 76, 77; and Suspension and Adjournment by President, see Order No. 213.

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62. A Notice Paper showing all business of which Notice has been given or respecting which Order has been made by the Council, and the respective days for which such business is set, shall be prepared each sitting day by the Clerk, and, being signed by the Clerk, shall be printed, circulated amongst Members, and published and be appended to the Minutes.

63. Standing Order repealed.

64. Unless otherwise ordered, Government Business shall on Tuesdays and Thursdays be entitled to take precedence on the Notice Paper of all other business, and Private Business on Wednesdays to the like precedence of Government Business:

Provided that priority on the Notice Paper may, if so desired by the Member in charge, be given to Notices of Motion for the production or printing of Papers, for leave of absence to a Member, or for leave to introduce a Bill, and to Orders of the Day for the third reading of Bills; but if debate arise thereon the question shall either stand adjourned to a day to be fixed, or the determination thereof shall be postponed until the other business of the day has been disposed of, according as the Member in charge of the same may elect.

See also (Private Business) Order No. 70.

65. Notices of Motion shall, as a rule, have priority on the Notice Paper over Orders of the Day; but a Minister may arrange the order of Government Business as the Minister thinks fit.
NOTICE PAPER - ORDER IN BUSINESS

66. Subject to preceding Standing Orders, Notices shall be entered on the Notice Paper in the order in which they were delivered at the Table and Orders of the Day according to priority of appointment.

*Questions of Order or Privilege* see Order No. 201.

*Objections to President's Ruling* see Order No. 205.

ORDER IN BUSINESS

67. The Council shall, unless it otherwise directs, proceed each day with its ordinary business in the following order -


See also *(Prayers)* Order No. 51.

67a. In addition to Ministerial Statements being made in accordance with Order No. 67, Ministerial Statements may be made at any other time, by leave of the Council.

67b. At the conclusion of the period for Questions without Notice on Wednesdays, Members may make statements on matters of interest. Up to seven Members may speak for a maximum of five minutes each. The President may order the Member to be seated if, in the opinion of the President, the Member infringes Standing Orders governing the rules of debate.

68. When the Business of the Day is called on by the Clerk, any Member in charge of any Order of the Day which appears on the Notice Paper or which may have lapsed therefrom, may move, without notice, that such Order be postponed, discharged, or revived for a future day, as the case may be; but no discussion or amendment shall be allowed on such motions.

See also *(Notices of Motion)* Orders Nos. 101, 120; *(Orders of the Day)* Orders Nos. 73, 155-157; *(Bills)* Order No. 281; and *(Committees)* Orders Nos. 372, 374.
69. Unless otherwise ordered, the period for asking Questions without Notice and giving Notices of Motion may not exceed one hour. If, however, before the expiration of one hour, a Question is in the process of being asked or answered, then that Question may be asked and/or answered even though the period of one hour has expired.

70. The Business of the Day, when called on, shall, unless it be otherwise ordered, be proceeded with, and be disposed of in rotation, each Notice of Motion or Order being read by the Clerk at the Table: Provided that, on days on which Private Business has precedence, Government Business of the Day shall stand postponed to any Private Business which may have been previously interrupted and which the Council may order to be resumed.

See (Precedence of Private Business) Order No. 64.

71. *Standing Order repealed.*

72. A Notice of Motion called on in its order and not moved shall lapse.

See (Revival) Order No. 120.

73. Orders of the Day which have been read and not moved or disposed of prior to the adjournment of the Council shall lapse; but they may be revived on Motion after notice, or as provided in Order No. 68.

74. If, at the adjournment of the Council, any Notices of Motion or Orders of the Day have not been called on or read, such Notices and Orders of the Day shall be set down on the Notice Paper for the next sitting day, at the end of the business already appointed for that day.
ORDER IN BUSINESS

75. If the Council adjourns over a day for which business has been appointed, such business shall be placed on the Notice Paper for the next sitting day, at the end of the business already appointed for that day, unless otherwise ordered.

76. Whenever the business before the Council shall have been interrupted by the receipt of a Message from the Governor or the House of Assembly and by the consequent dealing therewith, or by the holding of a Conference, or by any proceeding other than the calling on of the Business of the Day, the said business shall, so soon as the cause of such interruption has been disposed of, the Council not being adjourned, be resumed at the point where it was so interrupted.

See Orders Nos. 242, 250, 254, 60, etc.; (in Committee) Orders Nos. 372-374; and (Orders of the Day) Order No. 71.

77. Any business interrupted by adjournment of the Council may be ordered to be resumed at the point where it was so interrupted, on Motion after Notice, or as provided in Order No. 68.

See (in Committee) Order No. 372.

78. Any motion connected with the ordering of the business of the Council may be moved by a Minister of the Crown at any time without notice.

Giving of Notices see Orders Nos. 98-106.
Questions to Members see Orders Nos. 107-113.
Debates on Matters of Urgency see Order No. 116.
Motions, etc. see Orders Nos. 114-120.
Half-past Six O’clock Rule see Order No. 60.
Questions of Privilege and Order see Order No. 201.
Limit to Suspending Standing Orders see Order No. 460.
Unopposed Business see Order No. 64.
79. Every Petition shall be lodged with the Clerk at least two hours previously to the meeting of the Council at which it is proposed to present the same; and no Petition shall be presented to the Council unless it bears the Clerk’s certificate that it is in conformity with the Standing Orders.

80. No Petition shall be presented after the Council shall have proceeded to the giving of Notices, unless such Petition refer to the question before the Chair, when it may be presented at the time the Notice of Motion or Order of the Day is called on.

See (Order in Business) Order No. 67.

81. Every Petition shall be fairly written, and contain a request at the end thereof.

See (Definition of “Written”) Order No. 3.

82. Every Petition shall be in the English language, or be accompanied by an English translation certified by the Member who presents it to be correct.

83. Every Petition must be signed by at least one person upon the same sheet as that upon which the request has been inscribed.

84. Every Petition shall be signed personally by the parties thereto, with their names and addresses, and shall not be signed by deputy, except under power of attorney or in cases of incapacity by sickness; and in all such instances the person actually signing shall affix their own name and address as well as those of the person for whom the person signs. Persons not knowing how to write shall affix their marks in the presence of a witness, who, shall, as such, affix their own name and address.
PETITIONS

85. Every signature shall be upon the sheets bearing, or attached to the Petition itself, and not be pasted thereon or otherwise transferred thereto.

86. All Petitions shall be received only as the petitions of the parties signing the same.

87. Petitions of Corporations aggregate shall be under their common seal.

88. No letters, affidavits, or other documents shall be attached to any Petition, not being a Petition for a Private Bill.

89. Every Petition shall be decorous and temperate in its language, and not disrespectful to any branch of the Legislature.

90. Petitions can only be presented to the Council by a Member.

91. A Member cannot present a Petition on the Member’s behalf.

92. The name of a Member presenting a Petition shall be affixed at the beginning thereof, with the number of signatures.
93. The Clerk shall make an announcement to the Council as to the Petitions lodged with the Clerk for presentation to the Council (except a Petition for a Private Bill or relating to a Private Bill before the Council), indicating in the case of each Petition, the Member who lodged it, the identity of the petitioners and the subject matter of the Petition. A Member may, however, present a Petition personally, indicating the identity of the petitioners, and the subject matter of the Petition before bringing it to the Table. No discussion on the subject matter of a Petition shall be allowed and every Petition so presented shall be deemed to have been received by the Council: Provided that in the case of a Petition complaining of some present personal grievance, for which there may be an urgent necessity for providing an immediate remedy, the matters contained in such Petition may be brought into discussion on the presentation thereof.

94. *Standing Order repealed.*

95. *Standing Order repealed.*

96. No Member shall move that a Petition be printed unless the Member shall state it to be their intention to make a motion upon the subject to which the Petition relates.

See *Printing of Petitions*) Orders Nos. 418-419.

97. No Petition, the prayer of which is for a distinct grant of money, shall be received by the Council.
GIVING OF NOTICES

CHAPTER XII

GIVING OF NOTICES

98. Notice of Motion shall be given at the time of giving Notices, unless otherwise provided, by a Member reading it aloud, and delivering at the Table a copy thereof fairly written, signed by the Member, and showing the day proposed for bringing on such motion.

See (Order in Business) Order No. 67; (Period for Questions without Notice giving Notices of Motion) Order No. 69; (On a previous day) Order No. 114; and (Exceptions as to time) Orders Nos. 310, 411, 419.

98a. A Member may give Notice of Question by delivering a written copy of such Question to the Clerk not less than two hours before the time appointed for the meeting of the Council.

98b. When Notice of Question is given pursuant to Order 98a, the Clerk shall place the same on the Notice Paper and shall show on the Notice Paper the day on which such Question was first printed.

98c. The Answer to a Question on Notice pursuant to Order 98a shall be given by delivering the Answer in writing to the Clerk not less than two hours before the time appointed for the meeting of the Council on any day. After presentation of Petitions on each day, the President shall direct that a copy of such Answer be provided by the Clerk forthwith to the Member who asked the Question, the subject of the Answer. The President shall further direct that such Question and Answer be printed in Hansard as part of the proceedings of that day.

99. No Notice of a Question addressed to the President shall be given for entry on the Notice Paper.
GIVING OF NOTICES

100. A Member may give notice for another Member not then present. The names of both Members must appear on the Notice.

101. A Member desiring to change the day for bringing on a Motion, may give fresh Notice for any day subsequent to that first named.

102. After a Notice has been given, the terms thereof may be altered by the Member reading aloud and delivering at the Table, at the usual time of giving Notices, an amended Notice, any day prior to that appointed for proceeding with the motion; but such amended Notice must not exceed the scope of the original Notice.

103. No Notice shall be received after the Council shall have proceeded to the Business of the Day.

See (Business of the Day) Order No. 67.

104. If any Notice contains unbecoming expressions, or offends against any Standing or other Order of the Council, the President shall amend the same or order that it be not printed; or it may be expunged from the Notice Paper by order of the Council.

105. If a Notice of Motion be given which contains matter not relevant to each other, the President may instruct the Clerk to divide such Notice into two or more Notices.

106. Standing Order Repealed
QUESTIONS TO MEMBERS

CHAPTER XIII

QUESTIONS TO MEMBERS

107. At the time of giving Notices, Questions may be put to a Minister of the Crown relating to public affairs; and to other Members, relating to any Bill, Motion, or other public matter connected with the business of the Council, in which such Members may be specially concerned.

108. Whenever a Question is answered after Notice, it shall be open to any Member to put further Questions arising out of and relevant to the answer given.

109. In putting any Question, no argument, opinion or hypothetical case shall be offered, nor inference or imputation made, nor shall any facts be stated or quotations made including quotations from Hansard of the debates in the other House, except by leave of the Council and so far only as may be necessary to explain such Question.

110. In answering any Question, a Member shall not debate the matter to which the same refers.

111. A Minister of the Crown may, on the ground of public interest, decline to answer a Question; and may, for the same reason, give a reply to a Question which, when called on, is not asked.

112. Standing Order repealed.

113. Standing Order repealed.

Order in Business see Order No. 67.

Questions to President see Order No. 99.
MOTIONS

CHAPTER XIV

MOTIONS - QUESTIONS FROM THE CHAIR -
AMENDMENTS - PREVIOUS QUESTION

MOTIONS

114. No substantive Motion shall, unless by leave of
the Council, or in pursuance of these Orders, be moved
except after Notice openly given at a previous sitting of the
Council and duly entered on the Notice Paper.

See (Giving of Notices) Orders Nos. 98-106.

115. In the absence of a Member who has given Notice
of a Motion, the same may not, except by leave of the
Council and at the request of such Member, be moved by
another Member.

See also (Order of the Day) Order No. 156; (Reply)
Order No. 177.

116. A Debate on any definite matter of urgent public
importance, the nature of which shall be stated in writing to
the President - and of which urgency the rising in their
places of three Members shall be sufficient evidence - may
be allowed on a Motion, without notice, that the Council at
its rising adjourn to some irregular day or hour, provided
that it be moved after the giving of Notices and before the
Business of the Day has been proceeded with.

Any such Motion shall be in lieu of Questions without
Notice for that day and shall be limited to one hour’s
duration unless otherwise ordered. Not more than one
Motion under this Order shall be allowed during a sitting of
the Council, nor may more than one such matter be raised
upon the same motion.

See (Order in Business) Order No. 67.
MOTIONS - QUESTIONS FROM THE CHAIR

117. No Motion under the next preceding Order, or otherwise, shall seek to anticipate Debate upon any matter which appears upon the Notice Paper.

See (Anticipating Debate) Order No. 185.

118. A Motion for a Vote of Thanks of the Council may be moved, without notice, by a Minister of the Crown.

See also (Addresses) Order No. 235.

119. A Motion, not being an Order of the Day, if not seconded, may not be further debated, and no entry thereof shall be made in the Minutes.

See (in Committee) Order No. 363; (Order of the Day) Order No. 154; and (Amendments) Order No. 133.

120. A Motion which has lapsed, or has been withdrawn or superseded, or which has not been seconded, may be again made after notice.

See Orders Nos. 72, 123, 122, 119, and Nos. 140 and 152.

Same Question see Order No. 124.

Order in Business see Orders Nos. 67-78.

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QUESTIONS FROM THE CHAIR

121. When a motion has been made and seconded, a Question thereon shall be “proposed” to the Council by the President.

122. A Question is superseded -

I. By adjournment of the Council;

II. By the Previous Question being resolved in the affirmative;

III. By amendment.

See (Revival) Orders Nos. 73, 77, 145, 120.
QUESTIONS FROM THE CHAIR

123. A motion shall, after a Question has been proposed thereon, be deemed to be in possession of the House, but, by leave of the Council, it may be withdrawn by the mover, provided that, if an amendment has been moved thereto, such amendment has been first disposed of.

See (Revival) Order No. 120; and (Amendment) Order No. 140.

124. No Question shall be proposed which is the same in substance as any question or amendment which during the same Session has been resolved in the affirmative or negative, unless the resolution of the Council on such question or amendment shall have been first read and rescinded. This Standing Order shall not be suspended.

See (Amendment) Order No. 139; (Bills) Orders Nos. 281, 282, 295, 300; (Instructions) Order No. 425, and (Rescinding of Resolutions) Order No. 159.

125. The President may divide a complicated Question if the President thinks fit.

126. So soon as the debate upon a Question is concluded, the President shall “put” the Question to the Council.

See (Debate Closed) Order No. 178.

127. A motion “That the Question be now put” may be made without notice at any time during a debate by a Member who has not already spoken in the debate, if so made as not to interrupt a Member speaking, and shall be moved and seconded without discussion and be immediately determined; but if it be negatived, no such motion shall be again made within the next fifteen minutes, except by the Member in charge of the Bill or other matter which is in question.
The mover of this motion cannot during the same debate either move it a second time or second it if moved by another Member; and similarly, a seconder of this motion shall not subsequently move or again second it; but Members so moving and seconding shall not be held to have spoken in the debate.

See (Other Summary Motions) Orders Nos. 59, 195.

If closure carried, Question put.

Pending Question.

Determined by majority of voices.

President gives opinion on voices.
Call for Division.

A Question when put shall, except as provided in Orders Nos. 159 and 457, be resolved in the affirmative or negative by the majority of voices “Aye” or “No”.

The President shall state whether, in the President’s opinion, the “Ayes” or the “Noes” have it; and if the President’s opinion be not acquiesced in, a Division may be called for by one of the minority.

Divisions see Orders Nos. 219-232.

Previous Question see Orders Nos. 144-152.

AMENDMENTS TO QUESTIONS

A Question having been proposed may be amended -

I. By leaving out certain words;
II. By leaving out certain words in order to insert or add other words;
III. By inserting or adding words.

See (Exception) Order No. 147.
AMENDMENTS TO QUESTIONS

131. Every Amendment must be in writing and in the name of the mover.

132. Every Amendment must be relevant to the question to which it is moved.

See (in Bills) Orders Nos. 287, 293, 328, 329, (Instructions) Order No. 422.

133. An Amendment moved but not seconded, shall not be further proceeded with, nor shall it be entered in the Minutes.

See (Exception) Order No. 363.

134. When the proposed Amendment is to leave out certain words, the President shall put a question, “That the words proposed to be left out stand part of the question.”

135. When the proposed Amendment is to leave out certain words in order to insert or add other words, the President shall first put a question, “That the words proposed to be left out stand part of the question”, which, if resolved in the affirmative, shall dispose of the Amendment; but if in the negative, another question shall be put, “That the words of the Amendment be inserted (or added) in lieu of the words left out.” No Amendment to the words proposed to be inserted or added can be entertained until the amendment to leave out certain words has been determined. However, if the President considers the amendment to be uncomplicated, the President may put the question “That the amendment be agreed to.”

136. When the proposed Amendment is to insert or add certain words, the President shall put a question, “That the words proposed to be inserted (or added) be so inserted (or added)”.

137. No Amendment shall be proposed to any prior part of a question after an Amendment has been made or has been proposed from the Chair to a later part, unless such last-named Amendment has been, by leave of the Council, withdrawn.
138. No Amendment shall be proposed to be made to any words which the Council has resolved shall stand part of the question or which have been inserted in or added to a question, except it be the addition of other words thereto.

139. No Amendment shall be proposed which is the same in substance as any Question or Amendment which during the same Session has been resolved in the affirmative or negative unless the resolution of the Council on such Question or Amendment shall have been first read and rescinded. This Standing Order shall not be suspended.

140. A proposed Amendment may, by leave of the Council, be withdrawn by the Mover; and may be again moved.

141. Amendments may be proposed to a proposed Amendment, as if such proposed Amendment were a main question.

See (Exception) Order No. 287.

142. When Amendments have been made, the main question, as amended, shall be put.

143. When Amendments have been proposed but not made, the question shall be put as originally proposed.

To Bills see Orders Nos. 324, sqq.; (in Committee) Orders Nos. 293, sqq., and (Instructions) Orders Nos. 422-425.

144. The Previous Question may be moved without notice, and shall be put in the form “That the original question (or the original question as amended) be not now put.”
PREVIOUS QUESTION

145. If it be resolved in the affirmative, the Council shall proceed to the next business on the Notice Paper; but the original motion may be revived on Motion after Notice, or as provided in Order No. 68.

146. If it be resolved in the negative, the original question, amended or otherwise, shall be put forthwith without any further amendment or debate.

147. The Previous Question cannot be moved upon an amendment, nor can it be itself amended.

148. The Previous Question cannot be moved after an amendment to the original question has been proposed from the Chair, until such amendment has been disposed of; nor can any such amendment be moved after the Previous Question has been proposed from the Chair, unless the Previous Question be first withdrawn.

149. The Previous Question cannot be moved or debated by a Member who has already spoken in the debate.

150. Whenever the Previous Question shall be moved upon any question consisting of a series of propositions which have been brought under discussion or debate as one motion, with the understanding that the question be put on such propositions seriatim, the decision of the Previous Question, before putting the question on the first of such propositions, shall be taken and held to be conclusive, whether in the affirmative or negative, as regards the whole of such propositions.

151. In debating the Previous Question, Members may debate the original question, whether amended or not, and the whole debate is open to adjournment.
152. The Previous Question may, by leave of the Council, be withdrawn by the Mover; and may be again moved during the same debate.

*Rule in Committee* see Order No. 365.

*No Reply* see Order No. 176. *How superseded* see Order No. 122(i).
CHAPTER XV

ORDERS OF THE DAY

153. An Order of the Day is a Bill or other matter which the House has ordered to be taken into consideration on a particular day.

Order of the Day defined.

154. An Order of the Day does not require a seconder.

Need not be seconded.

See Order No. 119.

155. An Order of the Day may, on the motion of the Member in charge thereof, be discharged on being read or after it has been debated, or as provided in Order No. 68.

How discharged.

156. In the absence of the Member in charge thereof an Order of the Day may be moved or postponed by any other Member, but may not be discharged except on Motion after Notice.

In absence of Member in charge.

157. When postponing an Order of the Day it shall not be competent to propose, by way of amendment, a time beyond the probable duration of the Session, except after Notice.

Restriction on period of postponement.

See also (Adjournment of Debate) Order No. 196.

Order on Notice Paper and Order in Business see Orders Nos. 64-66 and 67-78.

Revival, when not read or lapsed see Orders Nos. 73, 74.

Postponement and Revival at Commencement of Business see Order No. 68.
158. By Resolution the Council declares its opinions and purposes; and by Orders it directs its Committees, Members, and Officers, and other persons, and the order of its own proceedings.

See (Instructions) Orders Nos. 421-428.

159. A Resolution of the Council may be read and rescinded; but no such Resolution may be rescinded during the same Session, except with the concurrence of an absolute majority of the whole number of Members of the Council upon Motion after at least seven days’ Notice: Provided that to correct irregularities or mistakes one day’s Notice only shall be sufficient.

160. An Order of the Council may be read and discharged, or the proceedings thereon may be declared to be null and void, on Motion after Notice.

161. Whenever the President rises during a debate, any Member then speaking or offering to speak shall sit down, and the Council shall be silent, so that the President may be heard without interruption.

162. When the President is putting a question, no Member shall walk out of or across the Chamber.

163. Members shall make obeisance to the Chair on entering or leaving the Chamber.

See also *Message from Governor* Order No. 243.

164. No Member shall pass between the President and the Member who is speaking.

165. Members shall take their places when they come into the Chamber, and shall not at any time stand in any of the passages or gangways when attention is called thereto by the President.

See *Places* Orders Nos. 44-47.
ORDER IN DEBATE - RIGHT OF SPEECH

ORDER IN DEBATE

Right of Speech

166. Whenever a Notice of Motion is called on, or an Order of the Day is read, the Member in charge of the business in question, or entitled to preaudience thereon, shall be held to be in possession of the House, if the Member desires to speak.

See also Orders Nos. 59 and 182; and (Preaudience) Orders Nos. 197, 198.

167. Every Member desiring to speak shall rise in their place or in the place of some other Member who does not object thereto, and address the President; and may advance to the Table for the purpose of continuing the address.

See (Places) Orders Nos. 44-47.

168. By the indulgence of the Council, a Member unable conveniently to stand, by reason of sickness or infirmity, may speak sitting.

169. If two or more Members rise to speak at the same time, the President shall name the Member whom the President first saw rising to speak; which Member shall be entitled to preaudience.

170. Speeches must not be read, but Members may refer to notes.

171. A Member may only speak -

Upon a Motion or Amendment to be moved or seconded by the Member:

Upon a Question from the Chair:

Upon a Question of Order:

Upon a Question of Privilege.
ORDER IN DEBATE - RIGHT OF SPEECH

172. If a Member, having risen and being called upon by the President, fails to begin (or to proceed) speaking, the President may direct such Member to be seated, and may call upon some other Member.

173. By the indulgence of the Council, a Member may explain matters of a personal nature although there be no question before the Council; but such matters may not be debated.

174. No Member may speak more than once during a debate, except in explanation or reply or to a Point of Order or Privilege suddenly arising:

 Provided that when a lapsed Bill has been restored to the Notice Paper pursuant to Section 57 of the Constitution Act 1934, as amended from time to time, and the debate on any motion relating to that Bill has been resumed, any Minister or other Member who had spoken on that motion before the restoration of the Bill, shall have the same rights to speak in the debate after such restoration, as if the Minister or other Member had not spoken before such restoration.

 See (other Exceptions) Orders Nos. 175, 176, 200.

175. A Member who has spoken may again be heard, to explain in regard to some material part of the speech on which the Member has been misquoted or misunderstood, but shall not introduce any new matter or interrupt any Member in possession of the Chair.

176. Reply shall be allowed to a Member who has made a substantive Motion, but not to any Member who has moved an amendment, the Previous Question or an Instruction to a Committee.
ORDER IN DEBATE - RIGHT OF SPEECH

177. Where a Member has, by leave of the Council, moved a Motion, Notice of which was given by another Member, the right of Reply shall belong to the former, but may be waived by that Member in favour of the other Member.

See Order No. 115.

178. The Reply of the Mover of the original Motion closes the debate.

179. It shall be competent to a Member when seconding a Motion or Amendment without speaking to it, to address the Council on the subject of such Motion or Amendment at some subsequent period of the debate.

180. Upon a Motion for the printing of a Paper, made by a Minister of the Crown without Notice when laying the same on the Table, no discussion shall arise unless the Motion has been moved for the purpose of making a Ministerial Statement.

See also Orders Nos. 450, 418, 419; and (Printing) Order No. 451.

181. No Members shall converse aloud or make repeated interjections or other disturbance whilst any other Member is orderly debating, or whilst any Bill, Order, or other matter is being read or opened.

See (When President rises) Order No. 161.

182. No Member shall interrupt another Member whilst speaking, unless (I.) the words of the Member speaking be taken down: (II.) to call attention to a point of Order or Privilege suddenly arising: or (III.) to call attention to the want of a Quorum.

See (Exceptions) Orders Nos. 207, 200, 54.

183. No Member may speak to any Question after the same has been put by the President and the voices have been given in the affirmative and negative thereon.

See (Questions put) Orders Nos. 126, 129.
ORDER IN DEBATE - MATTER OF SPEECH

184. Every Member may of right require the original Question, or any Amendment proposed thereto, to be read by the Clerk for the Member’s information at any time during a debate, but not so as to interrupt a Member speaking.

Matter of Speech

185. No Member shall digress from the subject matter of the Question under discussion, or anticipate debate on any matter which appears on the Notice Paper.

See (Anticipatory Motions) Order No. 117; and (in Committee) Orders Nos. 299, 366.

186. The President may call attention to the conduct of a Member who persists in continued irrelevance, prolixity, or tedious repetition, and may direct such Member to discontinue speaking and to be seated. The Member so directed shall not be again heard during the same debate.

See (in Committee) Order No. 367.

187. No Member shall allude to any debate of the same Session upon a Question or Bill not being then under discussion nor to any speech made in Committee, except by the indulgence of the Council for personal explanation.

188. No Member shall quote from any debate of the current Session in the other House of Parliament or comment on any measure pending therein unless such quotation be relevant to the matter then under discussion.

189. No Member shall read extracts from newspapers or other documents, referring to debates in the Council during the same Session, excepting Hansard.

190. No reference shall be made to any proceedings of a Committee of the whole Council or of a Select Committee, until such proceedings have been reported except for evidence that has been given to a Select Committee in public and authorised to be published.
ORDER IN DEBATE - MATTER OF SPEECH - 
ADJOURNMENT OF DEBATE

191. No Member shall use the Sovereign’s name or the name of the Governor irreverently or to influence a debate.

192. No Member shall reflect upon any vote of the Council or upon any Statute, except upon a Motion for rescinding or repealing the same.

193. The use of objectionable or offensive words shall be considered highly disorderly; and no injurious reflections shall be permitted upon the Governor or the Parliament of this State, or of the Commonwealth, or any Member thereof, nor upon any of the Judges or Courts of Law, unless it be upon a specific charge on a substantive Motion after Notice.

See also (Disorder, etc.) Orders Nos. 208-218; (Objection taken) Order No. 207; and (in Committee) Order No. 359.

On Presenting Petitions, Papers, and Reports, see Orders Nos. 95; 180, 419, 450, 451: 13, 306, 310, 376, 410.

On Urgent Public Matter see Order No. 116.

On Previous Question see Orders Nos. 149, 151.

On Privilege and Order see Orders Nos. 200, 201.

On Suspending Standing Orders see Order No. 458.

Paper Quoted in Debate see Order No. 452.

Closure and Adjournment see Orders Nos. 127, 128; 59; 195-197.

Adjournment of Debate

194. A Debate may be adjourned either to a later hour of the same day or to any other sitting day.
ADJOURNMENT OF DEBATE

195. A Motion - “That this Debate be now adjourned” - may be moved without Notice at any time during a debate by a Member who has not already spoken in the debate, if so made as not to interrupt a Member speaking, and shall be moved and seconded without discussion, and be immediately determined; but if negatived, no such Motion shall be again entertained within the next fifteen minutes, unless moved by the Member in charge of the Bill or other matter which is in debate.

Members moving or seconding this Motion shall not be held to have spoken in the debate.

See (Other Summary Motions) Orders Nos. 59, 127.

196. Upon a Debate being adjourned, a Motion shall be made to appoint a time for its resumption, the debate whereupon shall be strictly limited to the choice of date; nor shall a day beyond the probable duration of the Session be proposed by way of amendment thereto except after Notice.

See also (Orders of the Day) Order No. 157.

197. It is not competent for a Member to move, while speaking to a Question, the adjournment of the Debate; but at the unanimous pleasure of the Council leave may be obtained for the Member’s speech to be concluded at a future time, and the Debate shall be thereby adjourned.

198. The Member, upon whose Motion any Debate shall be adjourned, shall be entitled to preaudience on the resumption of the Debate; but a Member who is granted leave to continue speaking and fails so to continue immediately on resumption of the Debate, shall not speak again at any subsequent stage of the debate.

See also Order No. 166.

Resumption of Interrupted Business, see Orders Nos. 71, 76, 77, 128, 372-374.
ORDER IN DEBATE - ORDER AND PRIVILEGE

Order and Privilege

199. Order shall be maintained in the Council by the President.

See (in Committee) Order No. 357.

200. Members may rise at any time to speak “to Order” or upon a matter of Privilege suddenly arising, except that while the Council is dividing, a Member can only speak to a point of Order by permission of the President and while covered and seated.

201. All Questions of Order or Privilege shall temporarily suspend the consideration and decision of every other Question; but an adjourned debate on such Questions shall not be entitled to precedence unless so ordered.

202. All Questions of Privilege, except a Question arising out of the relations between the two Houses of Parliament, shall be at once referred without debate to a Committee of Privilege for inquiry and report, if a Minister of the Crown so claims or the Council so resolves; and on the report of the Committee being received, the Council may take such action as shall appear expedient.

203. Any Member, complaining to the Council of a statement published in the media as a Breach of Privilege, shall produce a record of the media containing the statement in question, and be prepared to give the name of the printer or publisher.

204. Upon a Point of Order being raised, the Member called to Order shall be seated, and after the Question of Order has been stated to the President by the Member rising thereto, the President shall give a ruling or decision thereon.
205. If any objection be taken to a Ruling or decision of the President, such objection shall, except during a Division, be taken at once and not otherwise; and having been stated in writing, a Motion shall be made, which, if seconded, shall be proposed to the Council and debate thereon shall stand adjourned and be the first Order of the Day for the next sitting day, unless the Council decides that the matter requires immediate determination.

See (Chairperson) Order No. 360.

206. If any question arise on any Point of Order during a Division, the President shall decide it, and no exception shall be taken to such decision until the Division is concluded.

See also Order No. 200.

207. When any Member objects to words used in debate, and stating them, desires that they should be taken down, the President, if it appears to be the pleasure of the Council, shall direct them to be taken down by the Clerk accordingly.

Every such objection must be taken at the time when such words are used, and shall not be afterwards entertained.

See also Order No. 193 and (in Committee) Order No. 359.

*Rules as to Disorder, etc.*, see Orders Nos. 208-218.

*Strangers* see Orders Nos. 445-447.
CHAPTER XVIII

DISORDER - SUSPENSION - ARREST

208. If any Member persistently and wilfully -
(a) obstructs the business of the Council;

or

(b) refuses to conform to any Standing or other Order of the Council, or to regard the authority of the Chair,

or if any Member, having used objectionable words, refuses either to explain the same to the satisfaction of the President, or to withdraw them and apologise for their use; the President shall name such Member and report the offence to the Council.

See (Conduct of Members and Order in Debate) Orders Nos. 161-207.

209. The President shall similarly report to the Council any Member whom the Chairperson of Committees shall have reported as having committed any of the foregoing offences in a Committee of the whole Council.

See (in Committee) Orders Nos. 357-359.

210. When any Member shall be so reported by the President, a Motion may forthwith be made - “That such Member be suspended from the service of the Council” - and such Motion shall be moved and seconded without discussion and be immediately determined.

211. If a Member be suspended, the Suspension shall, unless otherwise ordered, be on the first occasion for the remainder of that day’s sitting; on the second occasion of the same Session, for one week; and on the third or any subsequent occasion of the same Session, for one month.
212. A Member who has been suspended shall immediately withdraw from the precincts of the Council, and shall not presume to re-enter the Chamber during the period of the suspension. Black Rod shall act upon such orders as may be received from the Chair in pursuance of this Order.

213. In cases of very grave disorder the President may, if the President thinks it necessary so to do, adjourn the Council without question put, or suspend the sitting for a time to be named by the President.

214. Whenever a Charge is made against a Member upon any matter which has been reported from a Committee or has otherwise arisen, the Charge must be raised upon a substantive Motion after Notice, and shall be stated before the Member accused shall withdraw. Such Member shall then be allowed the opportunity of explaining to the Council the motives of the conduct in the matter alleged against the Member; after which the Member shall withdraw, and the Council shall at once take the case into consideration.

See (Charge in Select Committee) Order No. 399; and (Objectionable Words and Charges against Persons) Order No. 193.

215. If any Member shall wilfully disobey any Order of the Council, the Member may be ordered to attend in the Member’s place, or, if the Member be under suspension, at the Bar, to answer for the conduct; and, in default, or if the Member’s excuses be deemed unsatisfactory, the Member may be suspended or otherwise dealt with, at the pleasure of the Council.

216. Black Rod shall, on being directed by the President, deliver into custody any Stranger whom the President may see, or who may be reported to the President to be in any part of the Chamber appropriated to the Members of the Council; and also, any Stranger who, having been admitted into any other part of the
DISORDER, SUSPENSION, ARREST

Chamber or Gallery, shall display improper conduct or shall not withdraw when Strangers are ordered to withdraw, or who shall obstruct the approaches to the Chamber or occasion a disturbance within the precincts thereof.

217. If a Member or other person be ordered into custody, the arrest shall be reported to the Council by the President without delay; and a time shall be fixed for such Member or other person to be brought to the Bar to be censured, fined, committed, or otherwise dealt with by the Council. The Member or person so committed shall remain in custody for the period directed, unless sooner discharged by Order of the Council, or the fine be paid, or the Session of Parliament be concluded.

218. The Council shall interfere to prevent the prosecution of any quarrel between Members arising out of debates or proceedings of the Council or any Committee thereof.

Witnesses, see Order No. 432.
DIVISIONS

CHAPTER XIX

DIVISIONS

219. The Council shall not proceed to a Division if only one voice has been given for the Ayes or for the Noes.

See Call for Division Order No. 129.

220. A Member calling for a Division shall not leave the Chamber until the Division is concluded, and shall vote with those whose voices, in the opinion of the President, were in the minority.

See Order No. 129.

221. A call for a Division may, by leave of the Council, be withdrawn, at any time before the Tellers are appointed, and the Division shall not be proceeded with.

222. Before the Division is proceeded with, the Clerk shall ring the Division bells and, so soon after the lapse of two minutes as the President shall direct, the doors shall be closed and locked, and so remain until the Division is concluded, so that no Member may enter or leave the Chamber.

223. When the doors have been locked and the Bar drawn, and all the Members are in their places, the President shall again put the question to the Council, and direct the “Ayes” to proceed to the right side of the Chair, and the “Noes” to the left side, and shall appoint one Teller for each party.

224. Every Member, except the President, present within the Bar when the Question is so put, and qualified to vote, shall be required to vote.

See also (in Select Committee) Order No. 394.
DIVISIONS

225. No Member shall be entitled to vote upon any question in which the Member has a direct pecuniary interest not held in common with the rest of the subjects of the Crown, and the vote of any Member so interested may, on Motion, be disallowed by the Council; but this Order shall not apply to Motions or Public Bills which involve questions of State policy.

See (in Committee of the Whole) Order No. 362; and (Select Committee) Order No. 379.

226. No Member shall be entitled to vote unless the Member was present within the Bar when the Question was put with the doors locked, and the vote of any Member not so present shall be disallowed by the President.

227. Members having taken their sides, every Member shall then be counted and the Member’s name taken down by the Teller for the respective side, who shall sign the list and present the same to the President, who will declare the result to the Council.

228. If there shall be only a single Member on one of the sides, the Division shall not further proceed; and the President shall declare for the “Ayes” or “Noes” as the case may be.

229. In the case of confusion or error concerning the names or the numbers reported, unless the same can be otherwise corrected, the Council shall proceed to another Division.

230. If it shall afterwards appear that the names or numbers have been inaccurately recorded, the President shall order the Minutes to be corrected.
DIVISIONS

231. In the case of an equality of votes, the President shall give a *Casting Voice, and any reason given by the President shall be entered in the Minutes.

Where the casting voice of the President has not been exercised, the concurrence or non-concurrence in the passing of the second or third reading of any Bill may be indicated by the President.


232. The Division lists shall be entered by the Clerk in the Minutes.

Speaking to Order during Division see Order No. 200.

President’s Ruling during Division see Order No. 206.

Divisions not to be interrupted see Orders Nos. 60, 69.

* See Constitution Act, Sec. 26.
THE BALLOT

CHAPTER XX

THE BALLOT

233. Before the Council proceeds to Ballot, the bells shall be rung for two minutes as for a Division.

See Order No. 222.

234. The Ballot shall be taken in the following manner:-

A list of the Members, initialled by the Clerk, shall be handed to each Member present, who shall strike out thereon the names of so many Members as are required to be elected whom the Member may think fit and proper to be chosen; and when all the lists are collected, the Clerk, together with two Members to be named by the President, shall ascertain and report to the President the names of the required number of Members having the greatest number of votes; which Members shall be declared to be duly elected. In case of a tie between two or more Members, the President shall determine by lot which shall be chosen. If any list contains a larger or lesser number of names than is required it shall be void and rejected.

Voting for President see Orders Nos. 18-20.

Ballots not to be interrupted see Orders Nos. 60, 69.
235. Addresses to the Sovereign, to either House of the Imperial or the Commonwealth Parliament, or to the Governor, shall be proposed on Motion after Notice, except in cases of urgency, and when agreed to shall be signed by the President.

236. Addresses of congratulation and of condolence to Members of the Royal Family, and to other persons, shall be proposed and signed in a similar manner.

237. Addresses to the Sovereign, or any Members of the Royal Family, and to other persons, shall be transmitted to the Governor by the President, requesting the Governor to cause the same to be forwarded for presentation.

238. Addresses to either House of the Imperial or Commonwealth Parliament shall be forwarded in a similar manner for presentation, or, by vote of the Council, be transmitted for that purpose by the President to some Peer or Member of the said Parliaments.

239. Addresses to the Governor shall be presented by the President, unless ordered to be presented by the Council in a body or by a deputation of Members named for that purpose.

240. When an Address is ordered to be presented by the whole Council, the President, with the Council, shall proceed to Government House, and being admitted to the Governor’s presence, the President shall read the Address to the Governor, the Members who moved and seconded such Address being on the President’s left hand.
241. When an Address has been presented to the Governor by the whole Council, the Governor’s reply shall be reported to the Council by the President; but if by a deputation, then by the Member first named thereon.

*Address in Reply* see Orders Nos. 12, 13, 15.

*Addresses for Papers* see Order No. 449.

*Joint Addresses* see Joint Standing Orders Nos. 10-13.
CHAPTER XXII

MESSAGES FROM THE GOVERNOR

242. Whenever a Message from the Governor shall be announced by Black Rod, the business of the Council shall be immediately suspended, and the bearer of the Message shall be introduced to deliver the same to the President in the Chair.

    See (Interrupted Business) Orders Nos. 76, 373.

243. The President shall immediately read the Message to the Council.

244. So soon as the Message has been read, the bearer of the Message shall withdraw.

245. The Message may, if necessary, be at once considered, or may be ordered to be printed and a future time fixed for its consideration.

246. A Message from the Governor may be communicated to the Council by a Minister of the Crown from the Minister’s place in the Council.

    When Council in Committee see Order No. 373.

    Recommending Amendments to Bills see Order No. 342.
COMMUNICATION BETWEEN THE TWO HOUSES

CHAPTER XXIII

COMMUNICATION BETWEEN THE TWO HOUSES

247. Communication with the House of Assembly shall be by Message, by Conference, or by Committees conferring with each other.

BY MESSAGE

248. A Motion to communicate any Resolution of the Council to the House of Assembly by Message may be moved without Notice.

249. Every Message from the Council to the House of Assembly shall be in writing and signed by the President, and shall be delivered to the House of Assembly by the Clerk, the Deputy Clerk, or a Clerk-Assistant, or to the Speaker if the House of Assembly is not sitting.

See (in Writing) Order No. 3.

250. Every Message from the House of Assembly to the Council shall be received without delay by the Deputy Clerk, or a Clerk-Assistant, at the Bar, and be reported by the President as early as may be convenient. A future time shall then be appointed for its consideration unless the Council orders it to be dealt with forthwith.

See (Interrupted Business) Order No. 76; and (on Bills) Order No. 327.

BY CONFERENCE

251. Conferences desired by the Council with the House of Assembly shall in all cases be requested by Message.
252. In requesting a Conference, the Message from the Council shall state in general terms the object for which the Conference is desired, and the number of Managers proposed to serve thereon, which shall, unless otherwise ordered, be not less than five.

253. Every Motion for requesting a Conference shall contain the names of the Members proposed by the Mover to be the Managers for the Council, but if, upon such Motion, any one Member shall so require, the Managers for the Council shall be selected by ballot.

See (Ballot) Orders Nos. 233, 234.

254. Conferences may be held during any adjournment of the Council, but when held during a sitting, the business of the Council shall be suspended, unless otherwise ordered by the Council.

See (Interrupted Business) Order No. 76; and (in Committee) Order No. 373.

255. No Conference shall be requested by the Council upon the subject of any Bill or Motion of which the House of Assembly is at the time in possession.

256. The number of Managers to represent the Council in a Conference requested by the House of Assembly shall be the same as that of the Managers for the House of Assembly.

257. In respect of a Conference requested by the House of Assembly, the time and place for holding the same shall be appointed by the Council; and when the Council requests a Conference, it shall agree to its being held at such time and place as shall be appointed by the House of Assembly. Such appointment or agreement shall be communicated by Message.
BY CONFERENCE

258. When Council receives Assembly Managers. At all Conferences requested by the House of Assembly, the Managers for the Council shall assemble at the time and place appointed, and receive the Managers for the House of Assembly.

259. Communications to be in writing. The Resolutions to be communicated by the Managers for the Council shall be in writing; and the Managers for the Council shall not receive any communication from the Managers for the House of Assembly unless the same be in writing.

See (in Writing) Order No. 3.

260. Proceedings at Conference. It shall be the duty of the Managers for the Council -

(a) when the Conference is requested by the Council - to read to the Managers for the House of Assembly any Resolution adopted by the Council, and to deliver to them the same, together with the Bill (whenever Amendments to a Bill are the subject of the Conference);

(b) when the Conference is requested by the House of Assembly - to hear and receive from the Managers for that House the like matter which they may have to communicate,

and thereupon the Managers for the Council shall be at liberty to confer freely by word of mouth with the Managers for the House of Assembly.

Where a Bill is concerned:

In the case of (a), except where otherwise ordered, it shall then be the endeavour of the Managers for the Council to obtain a withdrawal of the point in dispute between the Houses, and failing this, a modification of the same by way of further amendment;
BY CONFERENCE - BY COMMITTEES

And in the case of (b) it shall be competent to the majority of the Managers for the Council to agree to recommend to their House such solution of the question as shall seem to such majority, after conference, most likely to secure the final agreement of the two Houses.

but no Amendment shall be proposed or agreed to by them in any words to which both Houses have so far agreed, unless these be immediately affected by the disagreement in question.

See (Amendments to Bills) Order No. 329; and (in case of Money Bills) Order No. 341.

261. When the Conference has terminated, the Managers for the Council shall report the result to the Council in writing forthwith or at such time as the Council has otherwise ordered.

262. There shall be only one Conference on any Bill or other matter.

Conference on Bills see Orders Nos. 334, 338; and Money Bills Order No. 341.

BY COMMITTEES

263. Any Select Committee of the Council may be granted leave or ordered to confer with a similar Committee of the House of Assembly; but may not otherwise so confer.

See (Standing Committees) Order No. 416.

264. When any such leave has been granted or order made, it shall be communicated by Message to the House of Assembly, with a request that leave may be given to the similar Committee of that House to confer with the Committee of the Council.
265. Every Committee of the Council conferring with any Committee of the House of Assembly may confer freely by word of mouth, unless the Council shall otherwise order.

266. A Report of the proceedings of every Conference between a Committee of the Council and a Committee of the House of Assembly shall be made in writing to the Council, signed by the Chairperson of its own Committee.

See (in Writing) Order No. 3.

*The Conferring of Standing Committees* see Order No. 416.

*Joint Committees* see Joint Standing Orders Nos. 1-9.
267. Every Bill not initiated under the Private Bill Orders or ruled to be a Private Bill shall be deemed to be a Public Bill.

268. Bills of a hybrid nature introduced to the Council by the Government, which -

(a) have for their primary and chief object to promote the interests of one or more Municipal Corporations, District Councils, or public local bodies, rather than those of Municipal Corporations, District Councils, or public local bodies generally;

(b) authorise the granting of Crown or waste lands to an individual person, a company, a corporation, or local body,

shall be proceeded with as Public Bills, but shall each be referred to a Select Committee after the second reading.

See (Select Committees) Orders Nos. 305, 310, 377, sqq.

269. Every Public Bill, except such as may be brought from the House of Assembly, shall be initiated, either by a Motion asking for leave to bring in the Bill and specifying its Title; or by a Motion to nominate a Committee, of not less than two Members, to prepare and bring it in.

See (Priority of Motion on Notice Paper) Order No. 64.

270. The Member having leave, or one of the Committee appointed, to bring in a Bill, shall present a fair copy thereof, signed by the Member, to the Council, at the Bar, and may so present it at any time when other business is not before the Council.
271. Such matters as have no proper relation to each other shall not be included in one and the same Bill.

272. In every Bill, as presented to the Council, the Title shall coincide with the Order of Leave, and there shall be no clause that is not within the Title.

See (Amendment of Title) Orders Nos. 293, 315.

273. The duration of any Bill, the provisions of which are intended to be temporary, shall be inserted in a distinct clause at the end thereof.

274. A Bill may amend or repeal an Act of the same Session.

275. If more than one Bill dealing with the same subject appears on the Notice Paper, such of them as the Council may decide shall be withdrawn or deferred, or the Bills may be consolidated.

See (Instructions) Order No. 424.

276. Every Bill not prepared pursuant to the Order of Leave, or according to the Standing Orders of the Council, shall be withdrawn, unless at the time of the irregularity being noticed the Bill is before a Committee; and if withdrawn, a new Bill may be forthwith presented in lieu thereof under the same Order of Leave.
277. If any Bill or Amendment received from the House of Assembly be a Bill or Amendment for the Appropriation of any part of the Revenue, or of any tax, rate, duty, or impost, the Council will not proceed with such Bill or Amendment unless the Clerk of the House of Assembly shall have certified upon the Bill that the purpose of such appropriation has been recommended to the House of Assembly by the Governor during the current Session.*

278. If any Bill, introduced in the Council by the Government, contains a clause - or if a new clause or amendment is inserted therein in Committee - by which, in order to the better carrying out of the main objects of the measure, Revenue or other public money is appropriated, or if such clause or amendment deals with taxation or the raising, guaranteeing, or repaying, of any loan, the said clause or amendment shall be printed in erased type and shall not be deemed to form any part of the Bill.

The Message transmitting the Bill to the House of Assembly for its concurrence shall also draw attention to the suggestion indicated by the clause or amendment printed in erased type, stating that such a clause or amendment cannot originate in the Council, but is deemed necessary to the Bill.

Procedure in Committee see Order No. 298.

* See Constitution Act, Sec. 59.
BILLS AMENDING THE CONSTITUTION

BILLS AMENDING THE CONSTITUTION

279. If any Bill received from the House of Assembly be a Bill by which an alteration in the Constitution of the Council or House of Assembly is made, the Council will not proceed with such Bill unless the Clerk of the House of Assembly shall have certified upon the Bill that its second and third readings have been passed with the concurrence of an absolute majority of the whole number of the Members of the House of Assembly.*

Certificate in Council see Order No. 321.

Procedure on second and third readings see Order No. 282.

READINGS

280. On every order for the reading of a Bill, the Title only shall be read.

281. If the question that a Bill be now read a second or a third time be negatived, the Bill may be revived, on Motion after Notice or as provided in Order No. 68, but if the Bill be ordered to be read a second or a third time “this day six months”, it shall be withdrawn from the Notice Paper, and shall not be revived during the same Session. This Standing Order shall not be suspended.

282. Before the question for the second or third reading of a Bill to alter the Constitution of either House of the Legislature is put from the Chair, the President shall count the Council; and, if the question be carried by a majority less than an absolute majority of the whole

* See Constitution Act, Sec. 8.
number of the Members of the Council, the Bill shall be read a second or third time, as the case may be, but shall not be further proceeded with, nor shall it be revived during the same Session. This Standing Order shall not be suspended.

First Reading

283. Upon a Bill being presented by a Member or received in due order from the House of Assembly for the concurrence of the Legislative Council, the Bill shall be read a first time without any question being put.

284. After the First Reading, the Bill shall be printed and the Second Reading of the Bill may be moved forthwith or on motion at a later hour of the same day or made an Order of the Day for a future day. If the Second Reading of the Bill is moved forthwith after its First Reading, the debate thereon shall be immediately adjourned until a future day.

 Alterations of text see Order No. 324.

285. Standing Order repealed.

Second Reading

286. On the Order of the Day being read for the Second Reading of a Bill, the Question shall be proposed “That this Bill be now read a second time”.

287. To such Question the only Amendments which may be moved shall be -

(i) To leave out “now”, and to add “this day six months”;

or

(ii) In the form of a Resolution strictly relevant to the objects of the Bill, but the Previous Question may be proposed.
The Amendments stated in paragraph (i.) are not themselves open to amendment, and whenever they are moved, the decision of the Council as to whether or not the word “now” shall stand shall be held to be conclusive upon the whole question, and the President shall forthwith declare the Second Reading to be carried or to be deferred for six months, as the case may be.

See *(Previous Question)* Orders Nos. 144-152.

See also *(as to revival)* Order No. 281; and *(Constitution Bills)* Order No. 282.

288. Every Bill, on being read a second time, shall, except as provided in Order No. 282, stand committed, and unless it be on motion or by these Orders, referred to a Select Committee, or a Motion be made for the Committee stages to be taken on motion at a later hour of the same day or made an Order of the Day for a future day, the President shall leave the Chair and the Council shall resolve itself into a Committee of the Whole for the consideration of the Bill: Provided that where Notice of an Instruction has been given such Instruction may be first disposed of.

See *(Instructions)* Orders Nos. 421-428; *(Hybrid Bills)* Order No. 268; and *(Consolidation Bills)* Joint Standing Order No. 18.

289. No Motion for referring a Bill to a Select Committee shall be entertained after the Chairperson of Committees shall have reported the Bill.

*Recommittal* see Orders Nos. 307, 313.
COMMITTEES OF THE WHOLE ON BILLS

290. The following order shall be observed in considering a Bill and its title, viz.:—

(I.) The Clauses *seriatim* and any proposed new Clauses;

(II.) Postponed Clauses (not having been specially postponed to certain other Clauses);

(III.) The Schedules and any proposed new Schedules;

(IV.) The Preamble;

(V.) The Title,

and the same order shall be observed when a Bill is reconsidered or recommitted.

See (*in Select Committee*) Order No. 305.

291. The Chairperson shall read each Clause and Schedule separately to the Committee, and shall put upon each Clause and Schedule the question “That this Clause (or Schedule) stand as printed.”

In reading the Clauses and Schedules it shall be sufficient to read the numbers and marginal notes only.

292. The words of Enactment at the beginning of a Bill are not to be put to the Committee unless under an Instruction from the Council.

See (*Instructions*) Orders Nos. 421-426.

293. Any Amendment may be made to any part of a Bill, provided the same be relevant to the subject matter of the Bill, or pursuant to any Instruction, and be otherwise in conformity with the Standing Orders of the Council; but if any Amendment shall not be within the Title, the Committee shall amend the Title accordingly and report the same specially to the Council.

See (*Instructions*) Orders Nos. 421-426 and (*Amending Title at Third Reading*) Order No. 315.
294. No Amendment shall be made by which the principle of a Bill, as affirmed by its Second Reading, is reversed.

295. No new Clause or Amendment shall at any time be proposed which is substantially the same as one already negativied by the Committee, or which is inconsistent with one that has been already agreed to by the Committee, unless a recommittal of the Bill shall have intervened.

See also Order No. 364; (on Reconsideration) Order No. 300; and (Same Question) Order No. 124.

296. If a Clause or Schedule be amended, a further question shall be put, “That the Clause (or Schedule) stand as amended”.

297. Any Clause may be postponed, unless it has already been amended.

298. No question shall be put upon any Clause printed in erased type.

See Order No. 278.

299. Debate shall be confined to the Clause, Schedule, or Amendment immediately before the Committee.

See also Orders Nos. 185, 366.

300. When a Bill has been gone through, its Reconsideration, in whole or in part, may be moved for the purpose of making Amendment or further Amendment thereto; but upon such Reconsideration no Amendment, not being a merely consequent Amendment, shall be entertained in respect of words which have been the subject either of a previous Amendment or of a proposed Amendment unless the latter was withdrawn.
The Bill may also be Reconsidered under this Order for the purpose of adding specified new Clauses or Schedules.

See also Orders Nos. 290, 295.

301. A Bill shall not be reprinted during its passage through Committee except by Order of the Council.

302. When the proceedings upon a Bill have not been concluded at the end of any day’s sitting of the Committee, the Chairperson shall be directed to report progress and ask leave to sit again.

303. When the proceedings upon a Bill have been concluded, the Chairperson shall leave the Chair and report the Bill to the Council, with or without Amendments as the case may be.

304. The Chairperson shall sign a printed copy of every Bill to be reported, with all amendments fairly written thereon; and the Bill so signed shall be handed by the Chairperson to the Clerk when reporting to the Council.

Further procedure in Committee see Orders Nos. 351, sqq.

Amendments Generally, and Between the Houses see Orders Nos. 324, sqq.

Money Bills see Order No. 341.

Consolidation Bills see Joint Standing Order No. 18.

Procedure before Select Committee

305. The foregoing procedure shall be followed by a Select Committee in considering a Bill, except that a Preamble shall have precedence of the Clauses, and if the allegations contained therein be not found to be true, the Committee, without further considering the Bill, shall so report to the Council. The Committee may also make a Special Report upon the Bill.
REPORT

Other Procedure in Select Committees see Orders Nos. 377-413.

Preamble see Order No. 290.

Exception as to Consolidation Bills see Joint Standing Order No. 18.

REPORT

306. Upon a Bill being reported from a Committee of the Whole Council, with or without amendment, the adoption of the Report may be immediately moved, or a future time may be fixed for that purpose, and the Bill, if amended, shall be printed as reported.

307. On the Motion for the adoption of the Report, the Bill, either in whole or in part, may, on Motion, be recommitted.

308. In moving for the Recommittal of a Bill, for the purpose of adding new Clauses or Schedules, Members must indicate to the Council the number and nature of such Clauses and Schedules.

See also Orders Nos. 300, 313.

309. Upon the Report being adopted, the Third Reading shall be made an Order of the Day for a future day.

See (Exception) Order No. 313.

310. Except where otherwise ordered, every Bill reported from a Select Committee shall, if not recommitted to the same or another Select Committee, or if Notice be not given of a Motion for its withdrawal, be forthwith recommitted to a Committee of the Whole Council for a future day, and the Report of the Committee shall in the meantime be printed.

See (Exception) Joint Standing Order No. 18.
311. Bills amended by a Select Committee shall, unless otherwise ordered, be reprinted as amended, with every addition or substitution in italic type, and the omissions therefrom included in brackets and underlined.

THIRD READING AND PASSING

312. On the Order of the Day being read for the Third Reading of a Bill, the question shall be proposed “That this Bill be now read a Third Time”; to which the only Amendment which may be moved shall be, to leave out “now” and to add “this day six months”, which Amendment shall be determined in the manner provided at the Second Reading; but the Previous Question may be proposed.

See (as to Revival) Orders Nos. 281, 282; (Second Reading) Order No. 287; and (Previous Question) Orders Nos. 144-152.

313. Before the question for the Third Reading is put the Bill, either in whole or in part, may, on Motion, be Recommitted, but in the latter event the number and nature of any proposed new Clauses and Schedules must be first indicated; and if the Bill be reported with Amendment or further Amendment, the Report may be adopted and a future day appointed for the Third Reading, and the Bill shall be again printed as amended; but if no such Amendment has been made, the Bill may be read a Third Time without delay.

314. Before any Bill which has been referred to a Committee of the Whole Council shall be read the third time, the Chairperson of Committees shall certify in writing that the fair print is in accordance with the Bill as agreed to in Committee and reported, and the President shall announce that the Chairperson has so certified.
THIRD READING AND PASSING - TRANSMISSION - CERTIFICATES

315. So soon as a Bill shall have been read a third time, the President shall, except as provided in Order No. 282, without permitting discussion, amendment, or adjournment, put a question “That this Bill do now pass”: Provided that, if the Title does not conform to the contents of the Bill, the same may be first amended.

See (Title) Orders Nos. 272, 293.

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TRANSMISSION AND RETURN TO THE HOUSE OF ASSEMBLY

316. When a Bill originated in the Legislative Council shall have passed, it shall be sent to the House of Assembly with a Message desiring its concurrence thereto.

317. When a Bill originated in the House of Assembly has passed in the Council with or without amendment it shall be returned, with a Message informing that House that the Council has agreed to the same “without amendment”, or “with the amendments indicated by the annexed Schedule, to which amendments the Legislative Council desires the concurrence of the House of Assembly”.

See (Schedules) Order No. 339; and (Suggested Amendments) Order No. 341.

Consolidation Bills see Joint Standing Order No. 18.

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CERTIFICATES

318. When a Bill originated in the Council shall have passed, the Clerk shall certify it as follows: “This Public Bill originated in the Legislative Council, and having this day passed, is now ready for presentation to the House of Assembly for its concurrence”.

On Council Bill when passed.

Council Bill sent to Assembly for concurrence.

Assembly Bill when passed returned.
CERTIFICATES

319. When a Bill originated in the House of Assembly shall have passed in the Council without amendment, it shall be certified by the Clerk as follows: “This Bill has been agreed to by the Legislative Council without amendment”.

320. When a Bill originated in the House of Assembly shall have passed in the Council with amendment, the Clerk shall certify it as follows: “This Bill, with the amendment (or amendments) annexed, has been agreed to by the Legislative Council”.

321. Whenever any Bill, by which an alteration in the Constitution of the Legislative Council or House of Assembly is made, shall have passed its Second and Third Readings in the Council with the concurrence of an Absolute Majority of the whole number of the Members, the Clerk shall certify the Bill accordingly.

See (Assembly Certificate) Order No. 279.

322. In whatever other way the Council shall subsequently deal with a Bill, the Clerk shall at every stage certify it accordingly.

323. All Certificates by the Clerk shall be written on the first page of the Bill.

Before Presentation to Governor see Orders Nos. 349, 345.

By Chairperson of Committees see Order No. 314.
AMENDMENTS TO BILLS

Generally

324. After the First Reading and before the Bill is issued to Members, no alteration shall be allowed to be made in the text thereof, except by permission of the President at the request of the Member having the Bill in charge; and only such alterations shall be so permitted as are necessary for the correction of errors of printing or drafting or for the omission of words included by mistake.

325. No Amendment, not being of a merely verbal or formal nature or such as can be made after the Third Reading, shall be made to any Bill after it has been printed and issued to Members otherwise than by a Select Committee or in a Committee of the Whole Council.

326. Amendments of a merely verbal or formal nature may be made, and clerical and typographical errors may be corrected, in any part of a Bill by the President at any time during its progress through the Council.

After Third Reading (Title) see Order No. 315.

Suggested Amendments see Order No. 341.

Governor’s Amendments see Orders Nos. 342-345.

General Procedure see Orders Nos. 130, sqq. and 290 sqq.

Amendments between the Houses

327. Messages coming from the House of Assembly transmitting or dealing with Amendments shall be considered in Committee of the Whole Council, either forthwith or at such future time as the Council shall appoint.

If not considered forthwith, the Message or the Amendments shall be printed as Members may require.
AMENDMENTS TO BILLS

328. No Amendment shall be proposed to an Assembly’s Amendment that is not strictly relevant thereto.

329. No Amendment shall be proposed to any words of a Bill which have been agreed to by both Houses, unless it be strictly relevant to or consequent upon the acceptance, amendment, or rejection of a previous Amendment as hereinafter provided.

See Orders Nos. 333, 334, 336; and (at Conference) Order No. 260.

330. Whenever the Council agrees to an Amendment made by the House of Assembly, a Message shall be sent informing that House thereof and returning the Bill if the same be an Assembly Bill.

331. Whenever the Council disagrees to an Amendment made by the House of Assembly, the Bill shall be returned with a Message informing that House thereof and desiring the reconsideration of the Bill.

332. Whenever the Council agrees to an Assembly’s Amendment with amendment, or makes any further Amendment to the Bill, the Bill shall be returned with a Message, transmitting a Schedule of such Amendment, and desiring the concurrence of the House of Assembly thereto.

See (Schedules) Order No. 339.

In Bills Originated in the Council

333. When the House of Assembly returns a Bill with Amendments, such Amendments may be -

I. Agreed to, with or without amendment, and with any necessary consequent Amendment to the Bill;

or
AMENDMENTS TO BILLS

II. Disagreed to; and, if desired, further amendments made to the Bill in words reinstated by disagreement;

or

III. Postponed as to their consideration for six months,

or the Bill may be ordered to be laid aside.

334. If the House of Assembly again returns the Bill with a Message informing the Council that it -

I. Insists on its original Amendments to which the Council has disagreed;

or

II. Disagrees to Amendments made by the Council;

or

III. Agrees to Amendments made by the Council with further amendments;

or

IV. Proposes further Amendments in lieu of and relevant to the Amendments disagreed to by the Council,

the Council may -

As to I. - Agree, with or without amendment, to the Amendments to which it had previously disagreed, and make, if necessary, consequent Amendments to the Bill; or may insist on its disagreement to such Amendments, and may -

As to II. - Insist, or not insist, on its Amendments, and may -

As to III. and IV. - Agree, with or without amendment, to such further Amendments of the Assembly, making consequent amendments to the Bill, if necessary; or may disagree thereto,
AMENDMENTS TO BILLS

and, if the Council shall so insist or disagree or if the Bill in cases of further Amendment be again returned by the House of Assembly with any of the requirements of the Council still disagreed to, or with further Amendments upon such Amendments to which the Council will not agree, the Council shall either request a Conference or order the Bill to be laid aside.

See (Conferences) Orders Nos. 251-262.

335. If the Council resolves not to insist on any of its requirements, a Message shall be sent to the House of Assembly informing that House thereof.

In Bills Originated in the House of Assembly

336. When the House of Assembly -

I. Disagrees to Amendments made by the Council; or

II. Agrees to Amendments made by the Council with amendments; or

III. Proposes Amendments in respect of words reinstated by disagreement,

the Council may -

As to I. - Insist, or not insist, on its Amendments; and may make amendments in lieu of and relevant to those to which the House of Assembly has disagreed; or may order the Bill to be laid aside, and may -

As to II. and III. - Agree to the Assembly’s Amendments, with or without amendment, making consequent amendments to the Bill if necessary; or may disagree thereto and insist on its own Amendments; or may order the Bill to be laid aside.
AMENDMENTS TO BILLS

337. If the Council insists, or does not insist, on its Amendments, a Message shall be sent to the House of Assembly informing that House thereof and returning the Bill.

338. If a Conference be held with the House of Assembly, the Bill shall be brought back by the Managers, and if the Recommendations from the Conference be not adopted by the Council, or if no Recommendation be reported by the Managers, the Council shall either resolve not to further insist on its requirements, or shall order the Bill to be laid aside.

If such Recommendations be adopted, or if the Council does not further insist, a Message shall be sent to the House of Assembly accordingly.

See (Conferences) Orders Nos. 251-262.

Schedules and Reasons

339. Every Schedule of Amendments, required to be transmitted to the House of Assembly, shall contain specific reference to the page and line of the Bill where words are to be inserted, added, or left out - or to the Amendment of the House of Assembly which is proposed to be amended - and shall describe each proposed Amendment. The Schedule shall be signed by the Clerk and annexed to the Bill.

See (Schedule) Orders Nos. 332, 341.

340. Standing Order repealed.
BILLS - SUGGESTIONS

Suggestions in Money Clauses

341. Whenever the Council shall, in an Assembly Bill, desire the amendment of any “Money Clause”, as is provided in Part 2 of the Constitution Act 1934, as amended from time to time, or the insertion of any such additional “Money Clause”, the foregoing procedure relating to Bills shall be varied in respect of the following particulars, viz:-

In Committee

When a Motion - “That it be a suggestion to the House of Assembly to amend any Clause” - has been carried, the Chairperson shall put a question - that the Clause, as suggested to be amended, be agreed to.

Report

The Chairperson shall report that the Committee has gone through the Bill and agreed to the same with certain Suggested Amendments.

The reported Bill when reprinted shall show -

(a) all Suggested Amendments involving insertion of words in erased type;

and

(b) all Suggested Amendments involving deletion of words in erased type, underlined and enclosed in brackets.

Third Reading and Passing

The Question first proposed at the Third Reading shall be - “That the Bill, with the Suggested Amendments, be now read a Third Time and passed”.
BILLS - SUGGESTIONS

Return to the House of Assembly

The Bill shall be returned to the House of Assembly with a Schedule of the Suggested Amendments and the following Message:- The Legislative Council has agreed to the Bill returned herewith titled …… with the Suggested Amendments indicated by the annexed Schedule, which Amendments the Legislative Council requests the House of Assembly to make to the said Bill.

See (Schedule) Order No. 339.

If Returned by House of Assembly

If the House of Assembly does not agree to make the Suggested Amendments, or agrees to make some and not others, or agrees to them with amendment, and returns the Bill to the Legislative Council with a Message to that effect, together with reasons for the action of that House, the Council shall insist or not insist on its Suggested Amendments, or agree or not agree to the Assembly’s Amendment. But should the Council so insist or not agree, it shall either request a Conference or lay the Bill aside.

See (Conferences) Orders Nos. 251-262.

At Conferences

At a Conference it shall be the endeavour of the Managers for the Council to obtain the agreement of the Managers for the House of Assembly to the Council’s requirements, and failing this, to a modification of the same by way of further amendment.

See Order No. 260.

After Conference

If after Conference held there be not agreement with the House of Assembly, the Bill shall be laid aside, and shall not be revived during the same Session.
Governor's Amendments

342. Whenever the Governor shall return by Message to the Council any Bill presented to the Governor by the President for the Royal Assent, together with any Amendment which the Governor desires to be made thereto, such Amendment shall be treated and considered in the same manner as Amendments made by the House of Assembly to Bills originated in the Council.

See Order No. 333; and (Messages from the Governor) Orders Nos. 242-246.

343. When the Council shall have agreed to any Amendment recommended by the Governor, with or without amendment, such Amendment, together with any alterations rendered necessary to be made in the Bill in consequence of such Amendment, shall be forwarded by Message to the House of Assembly for its concurrence; and any Amendment made by the House of Assembly thereto shall be dealt with in the same manner as Amendments made by that House to Bills originated in the Council.

See Orders Nos. 333-335.

344. Amendments recommended by the Governor to Bills originated in the House of Assembly which shall have been agreed to by that House and forwarded for the concurrence of the Council, shall be proceeded with in the same manner as Amendments made by the House of Assembly upon the Council’s Amendments to Bills first received from the Assembly.

See Orders Nos. 336-338.

345. When any Amendment recommended by the Governor in any Bill originated in the Council has been agreed to by both Houses, with or without Amendment, the Bill shall be fair printed as amended and presented by the President to the Governor for the Royal Assent, having been certified as in manner hereinafter provided;
LAPSED BILLS - REVIVAL

but if such Amendment be disagreed to by the Council, or if no agreement between the two Houses be arrived at thereon, the President shall again present to the Governor for the Royal Assent the Bill in the form as first presented by the President for that purpose.

See (Certificate) Order No. 349.

REVIVAL IN NEXT SESSION*

346. A Bill which has passed its Second Reading in either House, but shall not have been finally disposed of at the close of the Session, may, in the next Session of the same Parliament, be restored to the stage reached in the previous Session by the carrying of a Motion, after Notice, that the Bill be restored to the Notice Paper.

Such Motion shall be put to the Council without any debate.

See also Order No. 174.

347. For the purposes of the next preceding Order, and until otherwise defined by law, the word “Parliament” shall comprise the period elapsing between a general election for the House of Assembly and the next ensuing dissolution or expiry of that House; and the word “stage” shall mean the commencement of whatever stage such Bill had reached.

PRESENTATION FOR ASSENT

348. Every Bill originated in the Council, which shall have been finally agreed to by both Houses, shall be fair printed and presented by the President to the Governor for the Royal Assent.

* See Constitution Act, Sec. 57.
PRESENTATION FOR ASSENT

349. No Bill shall be so presented until certified by the signatures of the President and the Clerk as having originated in the Council and finally passed both Houses.

See also Order No. 345.

Bill not Assented to prior to Prorogation see Joint Standing Order No. 17.

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DEPOSIT OF ACTS

350. One copy of every Act of the Parliament, bearing the signature of the Governor, shall be delivered to the Clerk, for deposit amongst the records of the Council.

Custody of Records see Order No. 31.

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Chapter XXV

Committees of the Whole Council

351. A Committee of the Whole Council shall, where not appointed by these Orders, be appointed by a Resolution that the Council resolve itself into a Committee of the Whole either “now” or at some future time.

See (Exceptions) Orders Nos. 288, 310.

352. Whenever an Order is made for the Council to resolve itself into Committee forthwith, and whenever an Order of the Day is read for a Committee of the Whole Council, the President shall leave the Chair without Question put, and the Council shall thereupon resolve itself into such Committee: Provided that, where Notice of an Instruction has been given, such Instruction may be first disposed of.

See Order No. 288; and (Instructions) Orders Nos. 421-426.

353. The President shall, unless it be otherwise ordered, take the Chair of Committees of the Whole Council.

354. A Quorum shall consist of ten Members, including the Chairperson.

See (Quorum of Council) Note to Order No. 50.

355. A Committee shall consider such matters only as shall have been referred to it by the Council.

See (in Select Committees) Order No. 397.

356. Except as provided by the Orders contained in this chapter, the same rules for regulating debate, divisions, order, and general procedure shall be observed in Committee as in the Council itself.

COMMITTEES OF WHOLE COUNCIL

357. Order shall be maintained in Committee by the Chairperson; but disorder therein can only be censured or punished by the Council, and on receiving a Report from the Chairperson.

See (Disorder, etc.) Orders Nos. 208-218.

358. If any grave disorder arises, the Chairperson shall leave the Chair and the Council having resumed, make Report to the President.

359. When a Member, having used objectionable words, refuses either to explain them to the satisfaction of the Chairperson or to withdraw them, and whenever objectionable words have been taken down, the Chairperson shall forthwith report the occurrence to the President in the Chair.

See Orders Nos. 207, 193 and 208, sqq.

360. If any objection be taken to a Ruling or decision of the Chairperson, such objection shall be taken at once and not otherwise; and, having been stated in writing, the Chairperson shall leave the Chair and the Council shall resume, and the matter be laid before the President.

See (President) Order No. 205.

361. The Chairperson shall have a Casting Voice only, and any reason for the vote stated by the Chairperson shall be entered in the Minutes.

See (President) Order No. 231.

362. Any Question of Personal Interest as affecting a Member’s vote, arising in the Committee, shall be determined by the Committee.

See (Definition of Interest) Orders Nos. 225, 379.

363. A Motion made in Committee need not be seconded.
COMMITTEES OF WHOLE COUNCIL

364. A Motion contradictory of, or inconsistent with, a previous decision of the Committee shall not be entertained unless a recommittal shall have intervened.

See also (Bill in Committee) Orders Nos. 295, 300.

365. No Motion for the Previous Question can be made in Committee.

366. Members may speak more than once to the same question, and debate shall be confined to the Motion or Amendment immediately before the Committee.

See Orders Nos. 185, 299.

367. When the Chairperson shall have directed a Member who persists in continued irrelevance, prolixity, or tedious repetition to discontinue speaking, the Member named shall not be again heard during the discussion of the question then before the Chair.

See (Order in Debate) Order No. 186.

368. If notice be taken that a Quorum of Members is not present, the bells shall be rung as for a Division, and, if a Quorum be not made up before the expiration of two minutes, the Chairperson shall leave the Chair, and report to the President accordingly.

No Member shall leave the Chamber while the bells are ringing.

See (Further Procedure) Order No. 53.

369. If it appears from a Division that a Quorum is not present, the Chairperson shall leave the Chair and report to the President accordingly, and no decision shall be considered to have been arrived at by such Division.

See also Order No. 53.
COMMITTEES OF WHOLE COUNCIL

370. When the consideration of all matters referred to a Committee has been concluded, the Chairperson shall leave the Chair and report the Resolutions of the Committee to the Council; and when the consideration of such matters has not been concluded, the Chairperson shall be directed to report progress and ask leave to sit again.

See (Bills) Orders Nos. 302, 303.

371. A Motion -

I. That the Question be now put;

II. That the Chairperson report progress and ask leave to sit again;

III. That the Chairperson do now leave the Chair,

shall always be in order, if made so as not to interrupt a Member speaking, and shall be moved without discussion and be immediately determined; but none of these motions shall be again entertained within the next fifteen minutes unless it be moved by the Member in charge of the Bill or other matter before the Committee; nor shall any Member, not being such Member in charge, move more than one of such Motions during the same sitting.

See (Corresponding Motions in Council) Orders Nos. 127, 195, 59.

372. A Motion “That the Chairperson do now leave the Chair” will, if carried, supersede the proceedings of a Committee, but the Committee may, on Motion after Notice or as provided in Order No. 68, be revived for a future day.

373. The Chairperson shall leave the Chair without Question put -

Whenever a Message is brought from the Governor;
COMMITTEES OF THE WHOLE - REPORT TO COUNCIL

When the time is come for holding a Conference, or for doing anything which the Council has ordered to be done at a stated time;

For the purpose of reporting Resolutions, Bills, matters of Order, or want of Quorum,

and, on the cause of the interruption, other than a want of Quorum, being disposed of, if any business of the Committee remain unfinished, the same shall be resumed in Committee at the point where it was so interrupted.

See Orders Nos. 242, 254, 69, 370, etc.; and (Half Past Six O’Clock Rule) Order No. 60.

374. If the proceedings of a Committee be interrupted by a Count-out followed by an adjournment of the Council, the Council may order the resumption of such Committee on a future day, on Motion after Notice or as provided in Order No. 68 and the proceedings shall then be resumed at the point where they were so interrupted.

See (Similar Interruption in Council) Order No. 77.

Instructions see Orders Nos. 421-426.

Procedure on Bills see Orders Nos. 288-304.

Strangers see Orders Nos. 445-447.

Speeches and Proceedings see Orders Nos. 187, 190.

REPORT TO COUNCIL

375. Every Report from a Committee of the Whole shall be brought up and received by the Council, without Question put.

376. The Resolutions so reported may then be agreed to or disagreed to; or agreed to with amendments, or recommitted; or the further consideration thereof may be postponed.

Bills on Report see Orders Nos. 306-309.
377. Every Select Committee shall, unless it be otherwise ordered, consist of five Members to be nominated by the mover; but if any one Member so demands, they shall be elected by ballot.

378. The President shall be ex officio a Member and Chairperson of the Library and Standing Orders Committees, and a Member (and alternating Chairperson) of the Joint Parliamentary Service Committee, but shall not be liable to be elected to any other.

See Order No. 414.

379. No Member shall sit on a Committee who has a direct pecuniary interest in the inquiry before such Committee, not held in common with the rest of the subjects of the Crown and any question of interest arising in Committee may be determined by the Committee.

See also Orders Nos. 225, 362.

380. Members may be discharged from attending a Committee and other Members substituted on Motion after Notice.
SELECT COMMITTEES

381. Any Notice of Motion for discharging, substituting, or adding Members shall contain the names of the Members proposed to be discharged; but the Members to be added or substituted shall be elected by ballot.

See (*Ballot*) Orders Nos. 233, 234.

382. On the appointment of every Committee, a day shall be fixed for the reporting of their proceedings to the Council.

383. Leave may be granted to a Committee, on the application of the Chairperson, on Motion without Notice, to report, from time to time, its opinions or observations, or the Minutes of Evidence only, or its Proceedings.

384. Whenever it may be necessary, the Council may give a Committee power to send for persons, papers, and records, and to adjourn from place to place.

385. The mover for the Committee, if a Member thereof, shall fix the time for its first meeting: otherwise the Clerk shall summon the Members for some convenient time.

386. In Committees consisting of five Members, three shall, unless otherwise ordered, form a Quorum, and in other cases the Quorum shall be appointed by the Council when the Order for the Committee is made.

See also Order No. 417, and Joint Standing Order No. 4.

387. The Committee, prior to the commencement of business, shall, except where otherwise ordered, elect one of its Members to be Chairperson.

See (*Exception*) Order No. 378.
SELECT COMMITTEES

388. In the absence of the Chairperson, the Committee shall appoint another of its Members to act for the time being.

389. The Chairperson shall have a deliberative vote only.

See *(in the case of Joint Committees)* Joint Standing Order No. 6.

390. If after the lapse of ten minutes from the time appointed for the meeting of a Committee, there shall not be a Quorum, the Members present may retire after entering their names on the Minutes of Proceedings of the Committee; and the Clerk shall convene the next meeting.

If at any other time a Quorum is not present, the Chairperson shall suspend the proceedings until a Quorum is made up, or adjourn the Committee to some future time.

391. A Committee may adjourn from time to time, and may sit on those days over which the Council is adjourned; but may not sit during the sitting of the Council without permission of the Council.

392. All Committees sitting at the time the President is about to take the Chair shall be informed by Black Rod that the President is about to take the Chair; and all proceedings after such notice shall be null and void.

393. The names of the Members attending each meeting shall be entered in the Minutes of Proceedings of the Committee, as also every Motion or Amendment proposed in the Committee, together with the name of the Mover thereof; and if any Division take place, the Chairperson shall take down the names of the Members voting in any such Division, distinguishing on which side of the question they respectively vote.
SELECT COMMITTEES

394. The doors of the room are deemed to be locked while a division is being taken, and every Member of the Committee who was present when the question was put is required to vote.

See also (Divisions) Orders Nos. 223, 224.

395. The examination of witnesses shall be conducted as follows, viz.:— The Chairperson shall first put to the Witness, in an uninterrupted series, all such questions as the Chairperson may deem essential, with reference either to the subject referred to the Committee or to any branch of that subject, according to the mode of procedure agreed on by the Committee. The Chairperson shall then call on the other Members severally, in the order of their sitting, to put any other questions they may think fit; and the name of every Member so interrogating a Witness shall be noted and prefixed to the questions asked; and all such questions and the replies thereto, together with the name of the questioner prefixed, shall be duly noted by the reporter, unless the Committee otherwise directs, and shall form the Minutes of Evidence of the Committee.

396. When a Committee is examining Witnesses, Strangers may be admitted, unless the Committee otherwise resolves but shall always be excluded when the Committee is deliberating.

397. No matters shall be considered which are not within the Order of Reference.

See also (Committees of the Whole) Order No. 355.

398. The Evidence taken by any Committee and Documents presented to such Committee, which have not been reported to the Council, shall not be disclosed or published by any Member of such Committee or by any other person, without the permission of the Council.

See also (Giving of Evidence) Order No. 444; and (after Report) 453.
SELECT COMMITTEES

399. If any information come before a Committee that charges any Member of the Council, the Committee shall only direct that the Council be acquainted with the matter of such information, without proceeding further thereupon.

See (Further Procedure) Order No. 214.

400. Any documents laid before a Committee shall be endorsed by the Chairperson, and shall remain in the custody of the Clerk of the Council, unless released by Order of the Council or President.

See (Council Papers) Order No. 31.

401. It shall be the duty of the Chairperson to prepare a draft Report; which shall be printed and circulated amongst the Members of the Committee.

402. The Chairperson shall present to the Committee, which shall be convened for the purpose of considering the Report, the whole of the draft Report; which may be at once considered; but, if any Member so desires, a subsequent day shall be fixed for its consideration.

403. At the time of considering the Report, it shall be considered paragraph by paragraph or page by page or section by section and on each occasion the Chairperson shall put the question to the Committee – “That this…..(whichever is relevant)…..stand part of the Report”.

404. If any Member, other than the Chairperson, submits a draft Report to the Committee, the Committee shall first decide upon which Report they will proceed.

405. Any amendment to be made by a Member objecting to any portion of the Report shall be proposed by the Member at the time the paragraph to be amended is under consideration, but any Protest or Dissent may be added to the Report.
406. After a draft Report has been considered, the whole or any paragraph thereof may be reconsidered and amended.

407. The Report when agreed to shall be signed by the Chairperson.

408. The final Report of the Committee shall be brought up on the appointed day unless further time be moved for and granted; but the Council will at any time prior to such day, when there is no other business before the Council, receive the Report.

409. The Report shall be brought up and presented to the Council by the Chairperson, and shall lie upon the Table.

410. Upon the presentation of a Report, no discussion thereon shall take place; but the Report may be ordered to be printed with the documents accompanying it.

See *(Exceptions)* Orders Nos. 13, 419.

411. If any measure or proceeding be necessary upon a Report of a Select Committee, not being a Committee on a Bill, such measure or proceeding shall be brought under the consideration of the Council by Motion after Notice, which Notice may be given at the time of the presentation of the Report.

See *(in cases of Bills)* Order No. 310, and Joint Standing Order No. 18.

412. A Committee is closed by the bringing up of the Report, not being a progress or interim Report, but may be revived on Motion after Notice.
SELECT COMMITTEES -
STANDING COMMITTEES

413. Every Committee shall, until otherwise ordered, have power to award reasonable payment to any professional or other Witnesses, or to any person whom they may deem it necessary to employ in furtherance of the inquiry with which the Committee is charged; and the Chairperson’s certificate on the face of an account shall be sufficient authority for its payment by the Clerk of the Council.

Witnesses see Orders Nos. 429, sqq.

Committal and Report of Bills see Orders Nos. 288, 305, 310; and Joint Standing Order No. 18.

Instructions see Orders Nos. 427, 428.

Conference with Committees of House of Assembly see Orders Nos. 263-266.

STANDING COMMITTEES

414. On the first day of every Session, until it be otherwise ordered, the Council shall proceed to appoint the following Committees, viz:-

(a) A Standing Orders Committee, consisting of the President and four Members;

(b) A Printing Committee, consisting of five Members,

and their appointment shall be communicated by Message to the House of Assembly.

See (Time for Appointment) Order No. 11 and (Chairperson) Order No. 378.
STANDING COMMITTEES

How elected.

415. The Members of the said Committees, who are not such *ex officio*, shall be nominated by the Mover, but, if any one Member so demand, they shall be elected by ballot.

See (*ex officio Member*) Order No. 378; and (*Ballot*) Order No. 234.

Powers.

416. Such Committees shall have power to act during the Recess, and, when necessary, to confer, or sit as Joint Committees, with similar Committees of the House of Assembly; and may report to the Council from time to time.


Report.

Quorum.

417. The Quorum of such Committees shall, unless otherwise ordered, be three Members.

See also Order No. 386.

Duties of Printing Committee.

418. All Petitions and Papers laid on the Table of the Council which are not already printed by the Government Printer, or the printing of which is not thereupon moved by a Minister of the Crown, shall stand referred to the Printing Committee, and it shall be the duty of such Committee to report from time to time which of the Petitions and Papers referred to them ought, in their opinion, to be printed, and whether in full or in abstract; and it shall be in the power of the Committee to order such Petitions or Papers, or abstracts thereof, to be prepared for press by the Clerk in attendance upon such Committees.

See (*Printing*) Orders Nos. 96, 419, 451; and (*Debate on motion to print*) Orders Nos. 180, 419.


419. On the Report of the Printing Committee being received, it shall be in order to move that it be adopted, but the details of any individual Paper shall not be open to discussion on such motion. A Member desiring that any Petition or Paper should be printed, which the
STANDING COMMITTEES

Committee has not recommended for printing, may give Notice when the Report has been dealt with, or subsequently, of the Member’s intention to move therein.

See *(Priority on Notice Paper)* Order No. 64.

420. *Standing Order repealed.*
CHAPTER XXVII

INSTRUCTIONS

421. Notice shall be required of an Instruction and of every material amendment thereto.

TO COMMITTEES OF THE WHOLE

422. An Instruction empowers the Committee to consider matters which are relevant, and not contradictory, to the Order of Reference, but which had not been expressly referred; and to make Amendments to Bills which are relevant to the Title.

See also (No reply) Order No. 176; (Amendments to Bills) Orders Nos. 292, 293.

423. No Instruction shall be given to such Committee of a mandatory nature, nor to do that which the Committee is already empowered to do.

424. An Instruction may be given to divide a Bill into two or more Bills, or, where two or more Bills are referred to the same Committee, to consolidate them into one.

425. The rejection of an Instruction to a Committee on a Bill shall not prevent the introduction during the same Session of a separate Bill dealing with the object of such Instruction; but will prevent any Amendment being proposed in Committee on the Bill which would contravene the decision of the Council on such Instruction.

426. The time for moving an Instruction to a Committee of the Whole is whenever the Council is about to resolve itself into the Committee in question, before the President leaves the Chair.

See Orders Nos. 288, 352.

Enacting Words see Order No. 292.
INSTRUCTIONS

TO A SELECT COMMITTEE

427. An Instruction to a Select Committee directs the order and course of the proceedings thereof, and extends or restricts the Order of Reference, in terms mandatory or otherwise.

428. An Instruction to a Select Committee may be moved either at the time of the appointment of the Committee or subsequently.

To Joint Committees see Joint Standing Order No. 7.

To Managers at Conferences see Orders Nos. 260, 341.
Witnesses, not being Members, when ordered to attend before the Council or a Committee of the Whole at the Bar, shall be summoned under the hand of the President, and, if desired by a Select Committee, by summons under the hand of the Clerk.

When the attendance of a Member of the Council is desired to be examined by the Council or a Committee of the Whole, the Member shall be ordered to attend in the Member’s place, and the Order of the Council shall be communicated to the Member by the President.

If any Select Committee desires the attendance of a Member as a Witness, the Chairperson shall, in writing, request the Member to attend; but should the Member refuse, the Committee shall take no further action, except to report the matter to the Council.

The neglect or refusal of any Witness to attend in obedience to any such order or summons, or in obedience to a warrant of the President, shall be censured, or otherwise dealt with at the pleasure of the Council.

When the attendance of a Member of the House of Assembly, or of any Officer of that House, is desired in order to be examined by the Council or any Committee thereof (not being a Committee on a Private Bill), a Message shall be sent to the House of Assembly to request that the House will give leave to such Member or Officer to attend, in order for the Member or Officer to be examined accordingly upon the matters stated in such Message.
434. Should the House of Assembly request by Message the attendance of a Member of the Council before that House or a Select Committee thereof, the Council may authorise such Member to attend if the Member thinks fit. The Council, if similarly requested by the House of Assembly, may also instruct its own Officers to attend as desired.

435. When a Witness, whose attendance is desired, shall be in the custody of the keeper of any prison, such keeper shall be ordered to bring the Witness in safe custody, in order to the witness being examined, and from time to time, as often as the witness’s attendance shall be thought necessary, and the President shall issue a warrant accordingly.

436. Witnesses cannot be examined upon Oath by the Council, or any Committee thereof, unless it be so provided by law.

437. All Witnesses examined before the Council, or any Committee thereof, are entitled to the protection of the Council in respect of anything that may be said by them in their evidence.

438. When a Witness is being examined by the Council, or a Committee of the Whole, the Bar is drawn.

439. When a Witness appears before the Council, the President shall examine the Witness, and any questions addressed by Members shall be asked through the President.

440. In Committee of the Whole Council, any Member may put questions directly to the Witness.

441. If any question be objected to, or other matter arise, the Witness shall withdraw while the same is under discussion.
WITNESSES

442. A Member of the Council shall be examined in the Member’s place.

443. Judges are introduced by Black Rod and have chairs placed for them within the Bar.

444. No Member, Clerk or Officer of the Council, or *Hansard* reporter employed to take Minutes of Evidence before the Council or any Committee thereof, may give evidence elsewhere in respect of any proceedings of the Council or its Committee, or of any examination had at the Bar or before any Committee, without the special permission of the Council.

*Before Select Committees* see Orders Nos. 395, 396, 413.
STRANGERS

CHAPTER XXIX

STRANGERS

445. The President alone shall have the privilege of admitting Strangers, not being Members of the House of Assembly or of the Commonwealth Parliament, to the body of the Council Chamber, either within or without the Bar, while the Council or a Committee of the Whole is sitting.

446. Members of the House of Assembly and of the Commonwealth Parliament shall have the privilege of admission, without order, to the body of the Council Chamber without the Bar.

447. If at any sitting of the Council, or in Committee, any Member shall take notice that Strangers are present, the President, or the Chairperson (as the case may be), shall forthwith put the question “That Strangers be ordered to withdraw” without permitting any discussion or amendment: Provided that the President, or the Chairperson, may, whenever the President or Chairperson thinks fit, order the withdrawal of Strangers from any or every part of the Chamber.

At Select Committees see Order No. 396.

Arrest for Misconduct see Order No. 216.

447a. An infant being breast or bottle fed by a Member shall be permitted to the body of the Council Chamber, either within or without the Bar, while the Council or a Committee of the Whole is sitting.
448. Papers and Returns may be ordered to be laid before the Council, and the Clerk shall communicate all such orders of the Council.

See (Priority to Motion) Order No. 64.

449. When any Paper is required by the Council which concerns the Royal Prerogative, or which is a Despatch or other Correspondence addressed to or emanating from the Governor, or when any information is desired from the Governor, an Address shall be presented to the Governor praying that the same may be laid before the Council.

See (Addresses) Orders Nos. 235, sqq.

450. Papers presented pursuant to Statute, or by Command of the Governor, or pursuant to an Order of the Council, may be laid on the Table without comment, at any time when other business is not before the Council.

451. On any Paper being laid before the Council, the printing thereof may be moved by a Minister of the Crown, and it shall be in order to move that it be read; and if necessary, a day may be appointed for its consideration.

Printing of Papers and Debate on Motion see Orders Nos. 418, 419, 180; and Priority on Notice Paper see Order No. 64.

452. A Document quoted from in debate, if not of a confidential nature or such as should more properly be obtained by Address, may be called for at any time during the debate, and on Motion thereupon without Notice may be ordered to be laid upon the Table.
453. All Papers and Documents laid upon the Table of the Council shall be considered public. Papers not ordered to be printed may be inspected at the offices of the Council at any time by Members, and, unless otherwise ordered by the President, by other persons, and copies thereof or extracts therefrom may be made.

454. All Papers and other Documents ordered by the Council during the Session and not returned prior to the Prorogation, and such other official reports and returns as are customarily laid before Parliament and printed, shall be forwarded to the President in print as soon as completed; and, if the same are received within two months after such Prorogation, the Clerk shall cause such Papers and Documents to be distributed among Members and bound with the Minutes of the Proceedings; and as regards those not received within such time, they shall be laid upon the Table on the first day of the following Session, together with a Return prepared by the Clerk showing the Resolutions of the Council which have or have not been complied with. If any Orders for Returns made in the previous Session have not been complied with, a Return of such Orders shall be prepared by the Clerk and laid on the Table on the same day.

455. Members of the House of Assembly shall be furnished with copies of all Papers printed by Order of the Council.

*Records, Custody of Papers, etc.*, see Orders Nos. 28-31.

*Laid before Select Committees* see Orders Nos. 398, 400.
CITIZENS RIGHT OF REPLY

CHAPTER XXXA

CITIZENS RIGHT OF REPLY

455A. The Council makes available to any person who believes that they have been adversely referred to during proceedings of the Legislative Council the following procedure for seeking to have a response incorporated into Hansard –

I. Any person who has been referred to in the Legislative Council by name, or in another way so as to be readily identified, may make a submission in writing to the President -
   (a) claiming that he or she has been adversely affected in reputation or in respect of dealings or associations with others, or injured in profession, occupation or trade or in the holding of an office, or in respect of any financial credit or other status or that his or her privacy has been unreasonably invaded; and
   (b) requesting that his or her response be incorporated in to Hansard.

II. The President shall consider the submission as soon as practicable.

III. The President shall reject any submission that is not made within a reasonable time.

IV. If the President has not rejected the submission under clause III, the President shall give notice of the submission to the Member who referred in the Council to the person who has made the submission.

V. In considering the submission, the President -
   (a) may confer with the person who made the submission;
   (b) may confer with any Member;
CITIZENS RIGHT OF REPLY

(c) must confer with the Member who referred in the Council to the person who has made the submission and provide to that Member a copy of any proposed response at least one clear sitting day prior to the publication of the response;

but

(d) may not take any evidence;

(e) may not judge the truth of any statement made in the Council or the submission.

VI. If the President is of the opinion that -

(a) the submission is trivial, frivolous, vexatious or offensive in character; or

(b) the submission is not made in good faith; or

(c) the submission has not been made within a reasonable time; or

(d) the submission misrepresents the statements made by the Member; or

(e) there is some other good reason not to grant the request to incorporate a response into *Hansard*.

the President shall refuse the request and inform the person who made it of the President’s decision.

VII. The President shall not be obliged to inform the Council or any person of the reasons for any decision made pursuant to this resolution. The President’s decision shall be final and no debate, reflection or vote shall be permitted in relation to the President’s decision.

VIII. Unless the President refuses the request on one or more of the grounds set out in paragraph V, the President shall report to the Council that in the President’s opinion the response in terms agreed between him and the person making the request should be incorporated in to *Hansard* and the response shall thereupon be incorporated in to *Hansard*. 

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CODE OF CONDUCT FOR MEMBERS OF PARLIAMENT

CHAPTER XXXB

CODE OF CONDUCT FOR MEMBERS OF PARLIAMENT

455B. Members of the Council shall be subject to the following Code of Conduct:

Preamble

Members of Parliament are in a unique position of being accountable to the electorate. The electorate is the final arbiter of the conduct of Members of Parliament and has the right to dismiss them from office at elections.

Members of Parliament have a responsibility to maintain the public trust placed in them by performing their duties with fairness, honesty and integrity, subject to the laws of the State and rules of the Parliament, and using their influence to advance the common good of the people of South Australia.

The objective of this Code is to ensure that the responsibilities and obligations of Members reflect community expectations and community standards.

Political parties and political activities are a part of the democratic process. Participation in political parties and political activities is within the legitimate activities of Members of Parliament. In performing these activities, and their public duties, Members of Parliament should demonstrate the following values:

a) Serving the public interest;

b) Exercise reasonable care and diligence in performing their public duties;

c) Submit themselves to the lawful scrutiny appropriate to their office;

d) Behave with respect and courtesy in their relationships with all parliamentary staff and public servants;
e) Treat all persons with respect and have due regard for their opinions, beliefs, rights and responsibilities.

f) Act with civility in their dealings with the public, Ministers and other Members of Parliament and the Public Service.

Members of Parliament must always be mindful of their responsibility to accord due respect to their right of freedom of speech within Parliament and not to misuse this right, consciously avoiding undeserved harm to any individual.

The preamble does not form part of the Code of Conduct.

Nothing in this Code of Conduct affects the privileges, immunities or powers of the Legislative Council or House of Assembly or their committees or members.

This Code of Conduct is a ‘code of conduct’ for the purposes of section 4(1) of the Ombudsman Act 1972.

**The Code of Conduct**

**Conflicts of Interest**

1. Members must avoid conflicts, or apparent conflicts, between their private interests and their official functions.

Members of Parliament must take reasonable steps to declare any conflict of interest between their private financial interests and decisions in which they participate in the execution of their duties. Members must declare their interests as required by the Members of Parliament (Register of Interests) Act 1983, and declare their interests when speaking on a matter in the House or a Committee in accordance with the Standing Orders.

A conflict of interest does not exist where the Member, their spouse or domestic partner, relative or associate, is only affected as a member of the public or a member of a broad class.
CODE OF CONDUCT FOR MEMBERS OF PARLIAMENT

Members of Parliament must not promote any matter, vote on any bill or resolution, or ask any question in the Parliament or its Committees, in return for any financial or pecuniary benefit.

Gifts

2. In accordance with the requirements of the Members of Parliament (Register of Interests) Act 1983, Members of Parliament must declare all gifts and benefits received in connection with their official duties, including contributions made to any fund for a Member's benefit.

Public Resources

3. Members of Parliament must apply the public resources with which they are provided for the purpose of carrying out their duties, in accordance with any guidelines or rules about the use of those resources.

Confidentiality

4. Members of Parliament must not knowingly and improperly use official information, which is not in the public domain, or information obtained in confidence in the course of their Parliamentary duties, for private benefit of themselves or others.

Standards of Behaviour

5. Members of Parliament must not harass, sexually harass, or discriminate against:

a. A member of their staff;
b. Another Member of Parliament;
c. A member of the staff of another Member of Parliament;
d. An officer or member of the staff of the Parliament;
e. Any other person who in the course of employment performs duties at Parliament House.

Definitions

For the purposes of this Code —

(a) a person *sexually harasses* another (the person harassed) if—

(i) the person makes an unwelcome sexual advance, or an unwelcome request for sexual favours, to the person harassed; or

(ii) engages in other unwelcome conduct of a sexual nature in relation to the person harassed, in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated that the person harassed would be offended, humiliated or intimidated; and

(b) conduct of a sexual nature includes making a statement of a sexual nature to a person, or in the presence of a person, whether the statement is made orally or in writing;

(c) a person is harassed if, an individual or a group of individuals repeatedly behaves unreasonably towards the person, and the behaviour creates a risk to health and safety.

(d) a person is discriminated against when they are treated less favourably than another person in the same or similar circumstances due to their attributes or characteristics, and includes unlawful discrimination under the Equal Opportunity Act 1984.
CHAPTER XXXI

SUSPENSION AND DURATION OF STANDING ORDERS

456. Any Standing or Sessional Order (except those which it is specially provided shall not be suspended) may be suspended on Motion after Notice.

See (Exceptions) Orders Nos. 124, 281, 282.

457. In the case of urgent necessity, any Standing or Sessional Order (except those which it is specially provided shall not be suspended) may be suspended on Motion without Notice: Provided that such Motion has the concurrence of an absolute majority of the whole number of Members of the Council.

See (Exceptions) Orders Nos. 124, 281, 282.

458. The debate on a Motion for the Suspension of Standing Orders shall be limited to fifteen minutes and the Mover and subsequent speakers in the debate shall each be limited to five minutes in stating reasons for such Suspension.

459. Such Suspension shall be limited in its operation to the particular purpose for which it has been sought and, unless it be otherwise ordered, to that day’s sitting of the Council.

460. After the Orders of the Day have been called on, no Motion for Suspension, without Notice, shall be entertained until the consideration of such Orders is concluded, except it be for the purpose of expediting the progress of a Bill or otherwise facilitating the business of the Council.

461. The whole of these Standing Orders shall continue in force until altered, amended, or repealed, by the Council with the approval of the Governor.

JOHN S.L. DAWKINS

President of the Legislative Council

CHRISTOPHER D. SCHWARZ

Clerk of the Legislative Council
JOINT COMMITTEES

Joint Standing Orders

Agreed to by Legislative Council, 6th and 22nd October, 1903 and by House of Assembly, 21st October, 1903, and approved by Governor, 30th October, 1903.

Amended 4th and 20th August and 1st September, 1914, and approved by Governor, 17th September, 1914.

Further amended 2nd and 15th October, 1924, and approved by Governor, 23rd October, 1924.

Further amended, 19th and 28th July, 1938, and approved by Governor, 11th August, 1938.

Further amended, 21st and 28th November, 1951, and approved by Governor, 17th January, 1952.

JOINT COMMITTEES

1. Whenever either House desires the appointment of a Joint Committee, it shall inform the other House by Message of the object of such Committee; and of the number of Members and of the Quorum which it has appointed to serve thereon; and shall desire the concurrence of that House thereto.

2. The House whose concurrence is so desired shall, if it agrees to the appointment of the proposed Committee, notify its consent to the other House by Message, and name the number of the Quorum which it has appointed.

3. The number of Members appointed by each House shall be the same.

4. Each House shall fix the Quorum of its Members necessary to be present at all sittings of the Committee; but, subject hereto, a Joint Committee may fix its own Quorum.
5. The Committee shall have power to send for persons, papers, and records, and shall report to the House with all due dispatch.

6. The Chairperson of the Committee shall be entitled to vote upon every question, but when the votes are equal, the question shall pass in the negative.

7. Instructions to Joint Committees must have the concurrence of both Houses.

8. The Report of the Committee shall be presented to each House in writing by Members nominated by the Committee for that purpose.

9. The procedure of every Joint Committee shall, except where herein otherwise ordered, be regulated by the Standing Orders of the Legislative Council relating to Select Committees.

10. Whenever either House desires that a Joint Address should be presented from both Houses, and a form of Address shall have been agreed to (a blank being left for the title of the other House), a Message shall be sent to the other House, transmitting the Address, and desiring its concurrence thereto.

11. The Address, when finally agreed upon by both Houses, shall be signed by the President of the Legislative Council and by the Speaker of the House of Assembly.
JOINT ADDRESSES -
NUMBERING AND DATING OF ACTS

12. Joint Addresses to the Sovereign, to any Member of the Royal Family, and to either House of the Imperial or Commonwealth Parliament, shall be forwarded for presentation in such manner as shall be agreed upon between the President of the Legislative Council and the Speaker of the House of Assembly.

13. Joint Addresses to the Governor, if presented in a body by both Houses, shall be read by the President of the Legislative Council, with the Speaker on the President’s left hand; but if by a deputation of Members from both Houses, then by such Member of the deputation as shall be named by the President if the proposal for the Address originated in the Legislative Council, or by the Speaker if it originated in the House of Assembly.

NUMBERING AND DATING OF ACTS

14. The Public Acts passed by the Legislature in each year shall be numbered in Arabic figures and in regular arithmetical series, commencing from the number one in each year, in the order in which the Governor shall have assented, or shall have signified the Sovereign’s Assent thereto. All such Acts assented to by the Governor shall have the date of such Assent and the number of the year printed within a parenthesis immediately following the title, and, in cases where the Bills for such Acts have been reserved, shall bear both the date of such reservation and of the proclamation of the Royal Assent.

Every Act shall bear as part of its Short Title the number of the year in which the Bill for that Act was introduced or, where the Bill for that Act was a lapsed Bill restored to the Notice Paper, then the year in which the Bill was so restored; and every Act shall be numbered as an Act of the year mentioned in its short title.
ELECTION OF SENATORS - BILLS NOT ASSENTED TO - CONSOLIDATION BILLS

15. The Joint Standing Order of 1875, relating to the numbering of Acts, is hereby repealed.

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ELECTION OF SENATORS

16. All Joint Sittings of the Legislative Council and House of Assembly held, pursuant to section 15 of the Commonwealth of Australia Constitution Act, for the election of a Senator, shall be summoned by the President of the Legislative Council, or, in the President’s absence, by the Speaker of the House of Assembly, by not less than seven days’ notice to the Members of the Council and of the House of Assembly, and shall be presided over by the said President, or, in the President’s absence, by the Speaker, or, in the absence of both President and Speaker, by some other Member chosen by the Members of both Houses present to preside. The procedure of such Joint Sittings shall be that of the Legislative Council so far as applicable to the circumstances.

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BILL NOT ASSENTED TO BEFORE PROROGATION

17. If a Prorogation of Parliament takes place before the Governor shall have notified, to Parliament or by Proclamation, the Governor’s assent to, or reservation of, any Bill which has been agreed to by both Houses during the Session then closed, such Bill having thereby lapsed, may, on being introduced in the next Session of the same Parliament in the originating House, be passed through all its stages in both Houses without delay.

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CONSOLIDATION BILLS

18. Every Bill for the consolidation of law shall, after its Second Reading in the originating House, be referred to a Joint Committee.
The said Committee shall inquire whether the Bill makes any alteration in the law; and it shall be an Instruction to all such Committees that wherever it shall appear to them that any such alteration is made, they do amend the Bill in conformity with what they hold to be the law.

If the Bill be reported without Amendment, the Report may be at once adopted, and the Bill may be read a Third Time without delay; but, if with Amendment, a time shall be fixed for the consideration of the Report.

Whenever the Bill is referred to a Committee of the Whole, its consideration therein shall be limited to Amendments made by the Joint Committee, and to any further Amendments which may seem to the Committee of the Whole necessary to determine the true interpretation of the law.

The Bill, when transmitted by the originating House to the other, shall show by italic and erased type whatever Amendments may have been made thereto.

J. L. STIRLING,
President of the Legislative Council

JENKIN COLES,
Speaker of the House of Assembly
INDEX

Index to the Standing Orders and
the Joint Standing Orders

NOTE - Figures denote the numbers of the Orders and prefix J.S.O. refers to Joint Standing Orders.

A

ABSENCE AND ATTENDANCE OF MEMBERS, 32-36
when call of Council ordered, 37-43

ABSENCE OF -
Clerk, 27
Members, 32-43
President, 24-25
Quorum, 50, 53, 54

ABSOLUTE MAJORITY -
Constitution Bills, amending constitution of either House, 282
(Certificates required, 279, 321)
Rescinding of Resolutions of same Session, 159
Suspension of Standing or Sessional Orders without Notice, 457

ACCESS TO GOVERNOR - Right claimed by President on election, 23

ACKNOWLEDGEMENT OF COUNTRY AND TRADITIONAL OWNERS, 51
See also PRAYERS, 51

ACTS -
Act may be amended or repealed in same Session, 274
Copy signed by Governor deposited with Clerk, 350
Duration of temporary to be expressed in Bill, 273
Numbering and dating - J.S.O. 14

ADRESSES -
To British Parliament - proposed, 235; transmission of, 238
To Commonwealth Parliament - proposed, 235; transmission of, 238
To Governor -
for papers, 449
Governor’s reply to be reported, 241
in Reply to Opening Speech -
Committee nominated, 12
Report, consideration and presentation, 13
Joint Addresses, J.S.O’s. 10-13
presentation of, 239, 240
proposed, 235
To Royal Family - proposed, 236; transmission through Governor, 237
To Sovereign -
proposed, 235; transmission through Governor, 237
when Parliament opened by, 15
INDEX

ADDRESSES OF MEMBERS to be kept by Clerk, 39

ADJOURNMENT OF COUNCIL -

By President -
  if no Quorum at time of meeting, 50
  if no Quorum after commencement of Business, 53, 54
  in cases of very grave disorder, 213
By resolution, 58; form of Motion, 59

Business -
  interrupted by - resumption of, 77, 374
  lapsed, 73-75; revival of, 68
Names of Members present at, recorded, 56
Supersedes Questions, 122
To Irregular Time - Motion on Matters of urgent public importance, 116
When affected by public holiday, 57
  See also SUSPENSION OF SITTINGS, ETC.

ADJOURNMENT OF DEBATE, 194-198
  on President’s Ruling, 205
  on questions of Order or Privilege, 201

ADJOURNMENT OF SELECT COMMITTEES, 390, 391

ADMISSION OF -
  Members of Assembly or of Commonwealth Parliament, 446
  New Members within the Bar, 9
  Strangers to -
    body of Chamber, 445
    Select Committees, 396

AFFIDAVITS not to be attached to Petitions, 88

AFFIRMATION made by new Members in lieu of Oath, 9

AFTER-SESSION PAPERS, 454

ALLUSION TO -
  Committee speeches, etc., 190
  Debates of same Session, 187
    See also QUOTATION, 188, 189, 452

ALTERNATIVE AMENDMENTS TO BILLS - in lieu of, and relevant to others disagreed to, 334, 336

AMENDMENTS TO QUESTIONS, 130-143
  Amendments to proposed Amendments, 141
  Forms of, 130
  Inserting or adding words, 136
  Leaving out words, 134
  Leaving out words, and inserting or adding others, 135
  Must be -
    relevant, 132
    seconded, 133
    written and signed, 131
  Not permitted -
    to prior part of question after later part amended, 137
    to words already agreed to or inserted except by addition of words, 138
    Proposed, may be withdrawn by mover, by leave, and may be again moved,
INDEX

**Question** -
- put as amended, 142
- put if amendment not made, 143
- superseded, 122
- Reply not allowed to mover of, 176
- Same Amendment in same Session, 139

*See also Previous Question, 144-152*

**Amendments to Bills** - *See under Bills, In Committee of Whole, and Amendments, Generally*

**Anticipation of Debate** by motion or speech, prohibited, 117, 185

**Appropriation Bills** -
- Certificate by Clerk of Assembly as having been recommended by Governor during current Session, 277
- Clauses appropriating public money to be in erased type if originating in Council, 278

**Arrest** -
- of Strangers for misconduct, 216
- to be reported without delay, 217

**Assembly, House of**. *See House of Assembly*

**Assent to Bills** -
- Bill agreed to by both Houses not assented to or reserved prior to prorogation lapses, but may be revived and expedited in next Session of same Parliament, J.S.O. 17
- Bills presented to Governor by President, 345, 348
- Date of Assent printed on Act, J.S.O. 14

**Attention Called to Want of Quorum**, 54, 182, 368

**B**

**Ballot** -
- Bells rung for two minutes before, 233
- *Members may demand, for election of -*
  - Conference Managers, 253
  - Select Committees, 377, 381
  - Standing Committees, 415
- Not to be interrupted by six-thirty p.m. adjournment, 60
- President elected by - when more than one Member proposed, 18-20
- Procedure for, 233, 234

**Bar of Council** -
- *Admittance -*
  - Breast or bottle fed infants - within or without, 447a
  - Commonwealth Members without, 446
  - House of Assembly Members - within, at Opening of Parliament, 8
    without, 446
  - Judges as witnesses to have chairs within, 443
  - New Council Members within, 9
  - Strangers - within or without - only by President, 445,
  - Bills presented at by Members, 270
INDEX

Drawn during -
  Divisions, 223
  Examination of witnesses, 433
  Opening Speech of Governor, 8
  Prayers and Acknowledgement of Country and Traditional Owners, 51
Member or person arrested brought to, 217
Member under suspension ordered to attend at, 215
Member within, when question put - compelled to vote in Divisions, 224
Member must be within to vote, 226
Messages from House of Assembly received at, 250

Bell s to be rung for -
  Ballot, 233
  Council meeting, - prior to, 49
Count -
  of Council, 54
  of Committee, 368
Divisions, 222
Quorum -
  in Council, 54
  in Committee, 368

Bills -
Definition, Initiation, Contents, Presentation to Council -
Definition -
  Hybrid, 268
  Public, 267
Initiation -
  Motion for -
    Committee not less than two to prepare and bring in, 269
    Leave, 269
  Order of Leave - Title to coincide with and clauses to be within
    Title, 272
  Restoration of Lapsed Bill, 346, 347, 174, J.S.O’s. 14 and 17
  Presentation to Council at Bar of fair signed copy, 270
Contents -
  Clauses to be within Title, 272
  Duration of temporary Acts to be specified, 273
  May amend or repeal Act of same Session, 274
  To be mutually relevant, 271
  Irregular Bills to be withdrawn (if not before Committee) and another
    may be forthwith substituted, 276
  Same subject - if two Bills with, 275
Appropriating Revenue -
  Bill or amendment appropriating Revenue must be certified by Clerk
    of Assembly as recommended by Governor during current Session, 277
  Clauses in Council Bill containing appropriation, etc. to be in erased
    type and form no part of Bill, 278
Amending Constitution of either House -
  Assembly Bill for alteration of Constitution not proceeded with unless
    certified by Clerk of Assembly, 279
  Council Bill specially certified by Clerk, 321
  Requires absolute majority at Second and Third Readings, 282
Consolidation - Procedure, J.S.O. 18
Hybrid - 268, see also J.S.O. 2 on Private Bills
Lapsed Bill - restoration of, 346, 347, 174; J.S.O’s 14 and 17
INDEX

Readings -
Effect of negativing second or third reading and of the six months’ postponement, 281.
Title only to be read, 280

First Reading -
To be moved upon presentation by Member or on receipt from Assembly, 283
Bill to be printed without delay, 284
Date of second reading fixed, 285

Second Reading -
Concurrence or non-concurrence of President in may be indicated, 231
Date for fixed, 285
Question for, 286
Amendments to, 287
Six months’ amendment - how determined, 287
Effect of negativing, 281
Constitution Bills, 282
See also Instructions

Committal -
All Bills stand referred to Committee of Whole after second reading, 288
( Exceptions 282, 268, J.S.O. 18)
Instructions - time for moving, 288, 352, 426
Recommittal, 307, 313
After report by Chairperson, Bill may not be referred to Select Committee, 289

In Committee of the Whole -
Amendments -
Decisions on, not to be reviewed until after recommittal, 295
Drafting and printing errors, 324-326
Formal or verbal, 326
Must be relevant or pursuant to Instruction, 293
Must not -
be contradictory to or inconsistent with previous decisions until after recommittal, 295
reverse principle of Bill as affirmed on Second Reading, 294
(on reconsideration) be proposed to words previously amended or proposed to be amended (unless proposed amendment was withdrawn), 300
Printing and drafting errors, 324, 326
Title to be amended to agree with Amendments and to be specially reported, 293
Verbal or formal errors, 326
See in Select Committees - Committees, Select, on Bills.

Bill not reprinted until after Report without Order, 301
Bill to be signed, 304
Chairperson to -
date and sign new clauses, 304
hand Bill to Clerk, 304
read clause numbers and marginals, 291
report, 303, 304
write in Amendments, 304

Clauses -
Erased type - those in, not to be put, 298
Numbers and marginals read, 291
Order of consideration and reconsideration, 290
Postponement of (if unamended), 297
Put as amended, 290
Reconsideration of, 300, 290
Debate to be confined to question immediately before Committee, 299
Enacting words not to be put except under Instruction, 292
Leave to sit again, 302
Order of consideration and reconsideration, 290: exception in Select Committees, 305
Progress -
  Motion to Report moved without discussion and immediately determined, 371
  Report of and leave to sit again, 302
Questions put - on each clause 291, and if amended, 296
Reconsideration -
  Amendments restricted on, 300
  New Clauses to be specified, 300
Reports -
  Order, 373
  Progress, 302
  Quorum - want of, 373
  When proceedings concluded, 303, 304, 373
Reconsideration, 300
Report -
  Adoption of, 306: amended Bills to be reprinted, 306, 311
  After adoption, Third Reading fixed for future day, 309 (exception J.S.O. 18)
  Recommittal on motion for adoption, 307 - number and nature of any proposed new clauses to be indicated, 308
  Recommittal on motion for adoption of Bill from Select Committee, 310
  Time for adoption of, 306

Third Reading and Passing -
  Amendments to question for Third Reading, 312, 281
  Assembly Bill with suggested amendments - questions for third reading and passing proposed as one, 341
  Chairperson to certify fair print, 314
  Concurrence or non-concurrence in may be indicated by President, 231
  Consolidation Bills reported by Select Committee without amendment may be read third time without delay, J.S.O. 18
  Passing - Question for, put without debate, 315; exception re Title, 315
  President to announce certification before Third Reading, 314
  Question for Third Reading, 312; effect of negativing, 281
  Question for passing put without debate, 315
  Recommittal -
    before question for Third Reading put, 313
    when Bill amended on, 313
    when Bill not amended on, 313
    motion for, to specify any new clauses, 313
  Title may be amended after Third Reading and before Passing, 315

Transmission -
  Assembly Bills when passed by Council to be returned, 317
  Council Bills when passed transmitted with Message, 316

Withdrawal -
  Bills on same subject, 275
  Bills ordered to be read a second or third time this day six months, 281
  Bills reported by Select Committee - notice of withdrawal, 310

Laid Aside - 333, 334, 336, 338, 341
Certificates by Clerk, 318-323, 345, 349 - Constitution Bill, 321

See also  CLERK OF THE HOUSE OF ASSEMBLY
INDEX

Amendments - Generally -
Drafting, 324
Formal, 325
Printing, 324
Verbal, 326
See also above IN COMMITTEE OF THE WHOLE
Between the Houses -
Agreement to be communicated by Message, 330
Clerk to certify, 322
Clerk to sign schedules of amendments, 339
Dealt with in Committee of Whole or postponed and printed, 327
Disagreement to be communicated by Message and Bill returned, 331
Further amendments to be scheduled and concurrence sought, 332
Further proceedings -
on Council Bills, 333-335
on Assembly Bills, 336-337
Must be relevant, 328
Not permissible to words already agreed to by both Houses with exceptions, 329
see CONFERENCES
Suggested Amendments to Money Bills - procedure, 341
Governor’s Amendments -
Assembly amendments to - how dealt with, 343
If agreed to, to be forwarded to Assembly, 343
If received from Assembly - how to be treated, 344
To be treated and considered in same manner as amendments by Assembly, 342
When agreed to or disagreed to - procedure, 345
Revival -
in next Session of same Parliament, 346, 347 - Bills passed but not assented to J.S.O. 17
in same Session -
admissible when Second or Third Reading negatived, 281
inadmissible -
if deferred for six months, 281
if Constitution Bill not carried by absolute majority, 282 or
if Money Bill on which no agreement after Conference, 341

BILLS, PRIVATE -
Petitions for may have documents attached, 88
See also JOINT STANDING ORDERS (Private Bills)

BLACK ROD -
Acts under President’s Orders in cases of non-withdrawal of suspended Members, 212
Announces -
Commissioners, 7
Governor, 6
Messenger from Governor, 242
Definition, 3
Delivers into custody Strangers by direction of President, 216
Delivers Messages of Governor or Commissioners to Assembly, 8
Informs Select Committees when President about to take Chair, 392
Introduces Judges, 443
INDEX

BUSINESS OF THE COUNCIL -
- Business not called on to be set down for next sitting day, 74
- Business not to be anticipated in motion of urgency, 117
- Business not to be anticipated in Speech, 185
- Business for day over which Council adjourns, 75

Business suspended -
- by Conferences, 254
- by Messages from Governor, 242
- by Questions of Order or Privilege, 201

Conference - business suspended by, 254; resumption of, 76

Debate on President’s Ruling - first Order of Day for next day, 205

In Committee - same rules apply as in Council, 356

Member in charge when business called on to have possession of House, 166

Minister may move to alter order without notice, 78, 65

Notices of Motion called on and not moved, lapse, 72

Order and Privilege - Questions of - temporarily suspend consideration of every other question, 201

Orders regulating -
- Notice Paper, 14, 62-66
- Precedence of, 14, 70
- Routine, 67

Orders of the Day -
- Called on, 69
- Definition, 153
- Discharge of, 68
- Disposed of in order of rotation, 70
- Government on Wednesdays - postponed to Private Business, 70
- Lapsed, 73
- Postponement, discharge or revival of, 68
- President’s Ruling - adjourned debate on, to be first Order of Day for next day of sitting, 205
- Read and not disposed of, lapse but may be revived, 73
- Revival of, 68
- Seconder not required, 154
- Time for calling on, 69

Ordinary routine, 67

Possession of House, Member in charge of business to have, 166

Precedence of business, 64, 70

Privilege - Question of suspends consideration of every other Question, 201

Resumption of -
- Notice of Motion interrupted by Orders of the Day, 71
- Other interrupted business, 76
- Suspension of, when Messenger from Governor announced, 242
- Questions relating to, 107

C

CALL OF THE COUNCIL - Orders regulating, 37-43

CANDIDATES FOR OFFICE OF PRESIDENT, Orders relating to, 18-20

CASTING VOICE -
- Chairperson of Committees has, 361
- President has, 231 (See also Concurrence or Non-concurrence)

CENSURE OF DISORDER - 208-218
- in Committee, disorder in can only be censured by Council, 357
CERTIFICATES OF
Chairperson on Bills, 314
Clerk of the House of Assembly on Bills -
  Appropriating Revenue, 277
  Constitution, 279
Clerk of the Legislative Council -
  on Bills for Assent, 345, 349
  on Bills - Stages of, 318-323
  on Petitions, 79
  Constitution Bills, 321
President on Bills for Assent, 349, 345
Select Committee Chairperson on accounts, 413

CHAIR -
  Disregard of authority of, 208
  Member not to pass between Member speaking and Chair, 164
  Member to address President, 167
  Obeisance to on entering and leaving Chamber, 163
  President-elect conducted to, 17-19
  President -
    leaves Chair when Council goes into Committee, 288, 352
    resumes Chair at conclusion of Committee, 373
    resumes Chair in cases of grave disorder, 358
    takes Chair at time of meeting, 50
    takes Chair on right of Governor, 6

CHAIRPERSON OF COMMITTEES -
  Casting vote only and any reasons for to be recorded, 361
  Directs Member to discontinue irrelevant speech, etc., 367
  Disorder in Committee punishable only by Council on report by, 357

Duties Regarding Bills -
  After report on, Bill cannot be referred to Select Committee, 289
  Certifies fair print before Third Reading, 314
  Confines debate to Question immediately before Chair, 299
  Hands Bill to Clerk on Report, 304
  Not to put - clauses printed in erased type, 298
  Not to put - enacting words except under Instruction, 292
  Reads numbers and marginals and puts clauses and schedules, 291
  Reports Bill when proceedings concluded without question put, 303, 373
  Reports progress, etc., 302
  Signs Bill and hands to Clerk on Report, 304
  Writes in amendments, dates and initials new clauses, 304
  Excused from sitting on Select Committees, 378
  Grave Disorder to be reported to President by, 358
  Leaves Chair without Question put in certain cases, 373
  Maintains Order in Committee, 357
  Moved out of Chair, 372
  Objection to ruling of, to be taken at once, in writing and reported to President, 360
  Orders withdrawal of Strangers, 447
  President to act as, 353
  Reasons for Casting Vote to be recorded, 361

Reports -
  disorder in Committee, 209, 357
  objectionable words if not satisfied with explanation, 209, 359
  progress and resolutions, 370
  want of Quorum in Committee, 53, 368, 369
  Rulings - objection to, 360
  Quorum - want of in Committee reported by, 53, 368, 369
INDEX

CHAIRPERSON OF COUNCIL - Clerk acts as, before election of President, 21

CHAIRPERSON OF JOINT COMMITTEE - Has Deliberative Vote only, J.S.O. 6

CHAIRPERSON OF SELECT COMMITTEE -
Absence of, 388
Brings up Report, 409
Calls on Members in order of sitting to continue examination of witnesses, 395
Certifies accounts for payment, 413
Deliberative vote only, 389
Election, 387, 388, 378
Endorses documents, 400
Examines witnesses, 395
Prepares draft Report, 401
Presents draft Report for consideration and puts question on each paragraph, page or section, 402, 403
Records divisions, 393
Signs Report, 407
Quorum - proceedings when lack of, 390

CHARGE AGAINST A MEMBER -
Arising in Committee, to be reported to Council by Committee, 399
Member charged withdraws after explanation, 214
On substantive Motion after Notice, 193, 214
When Orders of Council disobeyed, 215

CHIEF SECRETARY, THE - Orders for Returns communicated to, 448.

CITIZEN’S RIGHT OF REPLY, 455a

CLERICAL ERRORS - See ERRORS

CLERK-ASSISTANT - Receives Messages from House of Assembly at Bar, 250

CLERK OF THE HOUSE OF ASSEMBLY -
Certifies Bills altering Constitution, 279
Certifies Bills appropriating Revenue, etc., 277

CLERK OF THE LEGISLATIVE COUNCIL -
Absence of, 27
Acts as Chairperson of Council before election of President, 21
Acts - keeps signed copies of, 350
Addresses of Members - keeps, 39
After-Session Papers distributed by and return prepared by, 454
Ballot Slips initialled by and assists in taking ballot, 234
Business of the Day - calls on, 68
Call of Council - duties in connection with, 38-42
Certifies -
Bills altering Constitution, 321
Bills for Assent, 349, 345
Bills at various stages, 318-323
Petitions, 79
Definition, 3
Delivers Messages to House of Assembly, 249
Deputy-President’s election - puts question for, 24
Determines by lot election of President if votes twice equal, 20
Division lists entered in Minutes by, 232
Documents and Papers in custody of, 31, 400
Evidence not to be given by, without leave of Council, 444, 434
INDEX

Keeps Members’ Roll, 28
Keeps Members’ Attendances in Minutes, 30
Minutes - keeps and signs, 29
Notices, irrelevant, divided by order of President by, 105
Notice Paper prepared by, 62
Orders of Day called on and read by, 69, 70
Papers and Returns ordered to be communicated, 448
Prepares Notice Paper, 62
Reads -
  Commission of Governor’s Commissioners, 7
  Petitions, 95
  Proclamation convening Parliament, 5
  Question during Debate, 184
Reads -
  Committee Bill from Chairperson on Report, 304
  Copy of every Act assented to and signed by Governor, 350
Reports -
  Absence of President, 24
  Vacancy in Office of President during Session, 26
Rings bells for Divisions, 222
Select Committee duties -
  Convenes next meeting when no Quorum, 390
  First meeting called by in certain circumstances, 385
  Witnesses summoned by, 429
Signs Schedules of Amendments, 339, 340
Summons -
  First meeting of Select Committee in certain circumstances, 385
  Witnesses before Select Committees, 429
Takes down words in debate when directed by President, 207
Witnesses before Select Committees -
  Paid by, on Certificate of Chairperson, 413
  Summoned by, 429

CLOSURE OF DEBATE
  Motion “That the Question be now put”, 127
  (and in Committee, 371)
  If carried, Questions pending may also be put, 128
  Restrictions, 127

CODE OF CONDUCT FOR MEMBERS OF PARLIAMENT -
  Confidentiality, 455b
  Conflicts of Interest, 455b
  Definitions, 455b
  Gifts, 455b
  Preamble, 455b (not part of Code of Conduct)
  Public Resources, 455b
  Standards of Behaviour, 455b

COMMISSIONERS REPRESENTING THE GOVERNOR -
  Commission read by Clerk, 7
  How introduced, 7
  Require attendance of House of Assembly, 8

COMMITMENT - of Members or other persons, 217

COMMITTEE TO PREPARE BILLS - Nominated (not less than two), 269
INDEX

COMMITTEE ON ADDRESS IN REPLY - Appointment of, by nomination, 12

COMMITTEE OF PRIVILEGE -
  Questions of Privilege, not arising between Houses, to be referred to, if Minister so claims or Council so resolves, 202

COMMITTEES - Tabling of Reports, 67

COMMITTEES, JOINT, 416; J.S.O.’s Nos. 1-9, 18.

COMMITTEES OF HOUSE OF ASSEMBLY - Attendance of Member or Officer of Legislative Council requested by Message, 434

COMMITTEE OF THE WHOLE COUNCIL -
  Appointment of, 351
  Chairperson leaves the Chair -
    and reports Progress and asks leave to sit again, 370, 371
    and reports Resolutions when business concluded, 370
    and reports want of Quorum, 368, 369
    when Message from Governor arrives, 373
    when time for Conference arrives, 373
  Chairperson’s duties - see Chairperson of Committees
  Chairperson’s Ruling - objection to, 360
  Consideration permitted only on such matters as are referred, 355

Debate, divisions, Order and General Procedure as in Council, with exceptions, 356
Debate to be confined to question immediately before Committee, 366
Debate - continued irrelevance and prolixity in, punished, 367
Decisions not to be reviewed until after recommittal, 364

Disorder - see also DISORDER
  grave - in case of, Council resumes and report made, 358
    reported by Chairperson and punished only by Council, 357
  Division - no decision on if quorum not present, 369
  Interrupted business - resumption of, 372-374
  Irrelevance - continued - punished, 367
  Members may speak more than once in, 366

Motions -
  That Question be now put, 371
  That Chairperson report progress, 371
  That Chairperson do now leave Chair, 371 - supersedes question, 372
Objectionable words not withdrawn or explained reported to Council, 359
Objection to Chairperson’s Ruling, 360
Order maintained by Chairperson, 357
Personal Interest - question of determined by Committee, 362
Personal Explanation - by indulgence, 187
President leaves Chair without question put when Order made or read, except where notice of Instruction given, 352
Previous Question not admissible, 365
Proceedings of, not to be referred to in House until reported or published, 190
Quorum - ten Members including Chairperson, 354
Quorum - want of - to be reported, 368, 369
Report brought up and received without question put, 375
Report - how dealt with, 376
Review of decisions not permitted until after recommittal, 364
Seconding of Motions not necessary, 363
Speeches in Committee not to be alluded to in House except by indulgence for personal explanation, 187
  See also INSTRUCTIONS
INDEX

COMMITTEES ON BILLS -
See BILLS - In Committee of the Whole and Committees, Select - On Bills

COMMITTEES, SELECT -
Appointment -
Committee to consist of five nominated Members unless ballot demanded, 377
Lists of, posted in Lobby and Clerk’s Office, 420
Members -
may be discharged and others appointed, 380
question of Pecuniary Interest determined by Committee, 379
to be discharged, to be named on Notice of Motion, and substitute, to be balloted for, 381; with Pecuniary Interest, may not sit, 379

Meetings -
Adjournment of, 391
Black Rod to advise when President about to take Chair, 392
Chairperson -
Divisions recorded by, 393
Election of, 387, and of Acting Chairperson, 388
Divisions, 394; obligation to vote, 394
Documents to be endorsed and in custody of Clerk, 400
During Council sittings - require special permission, 391
First meeting, 385
Order of Reference - only matters within to be considered, 397
Proceedings, null and void after Black Rod’s announcement, 392
Quorum - absence of, 390
Quorum to consist of three Members or as specially ordered, 386
Suspension of business when President about to take Chair, 392

Witnesses -
Chairperson to certify accounts for expenses, 413
Charges against Member, 399
Clerk to summon, 429
Documents not to be disclosed, 398
Documents to be endorsed and in custody of Clerk, 400
Evidence not to be disclosed, 398
Examination of, 395
Members as, 431
Payment of, 413
Power to send for persons, papers and records, 384
Strangers -
Admission to examination, 396
Exclusion of, 396

Report -
Amendment of, 405, 406
Chairperson to sign, 407
Committee brought to close by final Report, 412; revival, 412
Consideration of draft Report, 401-403
Date for bringing up, 382, 408
Drafted by Chairperson, printed and circulated to Committee, 401
Drafted by another Member, 404
Dissent in Report, 405
Meeting specially called to consider, 402
No debate on presentation to Council, 410
Notice not to be taken of proceedings until reported, 190
Order of Reference - only matters to be considered, 397
Presented to Council, 409 - subsequent proceedings on Notice, 411
Progress, 383
Profest in Report, 405
Reconsideration of draft Report, 406
INDEX

Revival of Committee after final Report, 412
Time for bringing up Report, 408
Conference with similar Committee of House of Assembly -
  By Leave or Order of Council, 263 - see also 416
  Communicated by Message to Assembly, 264
  Communications at, may be verbal, 265
  Report of, 266, 416
Instructions to, 427-428
Provisions relating to Bills referred to -
  Consolidation, J.S.O. 18
  Hybrid, 268
  Procedure on, in Committee, 305; J.S.O. 18
  Recommital to same or other Committee or Committee of Whole, 310
  Reported Bills not to be referred to, 289
  Reprinted if amended, 311
  Withdrawal of Bill on Report - Notice of Motion for, 310

COMMITTEES, STANDING - including STANDING ORDERS and PRINTING
Appointment of -
  Time for, 11, 414
  Method, 415
  Powers, 416
  Quorum, 417
  Message advising appointment to be sent to Assembly, 414
Printing Committee -
  Reports on all Petitions and Papers not printed or so ordered, 418
  Report may be at once adopted but details not to be then discussed, 419

COMMONS, HOUSE OF - Observance of rules of, where not otherwise provided, 1

COMMONWEALTH PARLIAMENT -
  Addresses to, 235, 238
  Members of admitted to Chamber without the Bar, 446
  Not to be injuriously reflected upon, 193
    See also under JOINT ADDRESSES, J.S.O’S. Nos. 10-12, ELECTION OF
  SENATORS, J.S.O. 16

COMMUNICATION WITH THE GOVERNOR - Right of free, claimed, 23

COMMUNICATION WITH THE HOUSE OF ASSEMBLY - Shall be by Message, Conference of Committee conferring, 247
    See also Messages, 248-250; Conferences, 251, 257, 259; Committees, 263-266, 416

COMPANIES - Bill affecting interests of, 268

COMPLICATED QUESTIONS - May be divided by President, 125.

CONCURRENCE OR NON-CONCURRENCE OF PRESIDENT - May be indicated on Second and Third Readings of Bills, 231

CONCURRENCE OF ASSEMBLY - Council Bills and amendments sent to House of Assembly with Message desiring, 316, 317, 332

CONDUCT OF MEMBERS IN CHAMBER - Orders regulating, 161-165; and in Debate, 166-207
INDEX

CONFERENCE BY SELECT COMMITTEE -
Orders regulating, 263-266
Standing Committees may confer with similar Assembly Committees, 416
See also JOINT COMMITTEES, J.S.O'S. Nos. 1-9.

CONFERENCES BETWEEN THE HOUSES -
All Conferences to be free, 260
Business of House and Committee shall be suspended during, 254, 373
By whom requested, 255
Communication of Resolutions by Managers to be in writing, 259
May be held during adjournment of Council, 254
Managers -
duties of, 258, 260, 341
nominated, but may be elected by ballot if demanded, 253
number of, to be same as for Assembly but, unless otherwise ordered,
not less than five, 252, 256
Object to be stated, 252
On Amendments to Bills -
Managers’ duties at, 260, 261, 338, 341
When to be requested, 334; on Money Bills, 341
One only permitted on any one matter, 262
Orders regulating, 251-262
Proceedings at, 260
Requested by Message, 251
Result to be reported in writing forthwith or as ordered, 261
Time and place of, 257

CONSOLIDATION OF TWO OR MORE BILLS, 275, 424

CONSOLIDATION BILLS - How dealt with, J.S.O. 18

CONSTITUTION BILLS -
Assembly Bill to be certified by Clerk of Assembly as to absolute majority,
279
Clerk’s Certificate on Bills, 321
Proceedings on Second and Third Readings of, 282

CONVERSING ALOUD - Not permitted during debate, 181

CORPORATIONS -
Bills affecting interests of one or more Municipalities, 268
Petitions from, to be under Seal, 87

COUNCIL, LEGISLATIVE -

Adjournment of -
by President, 50, 53, 213
by Resolution, 58, 59

to irregular time (Urgency Motion), 116
Call of, 37-43
Days of meeting, 48
Definition of Council, 3
Members -
absence and attendance, 32-36
conduct, 161-165, 167, 243
not to be reflected on, 193
places of, 44-47
roll of, 28
Powers not restricted by Standing Orders, 2
Prevents quarrels between, 218
INDEX

Rights claimed by President after election, 23
Suspension of sittings of -
  at half past six o’clock, 60
  during Conference, 254
  Minister may move at any time for, 61
  President may suspend when grave disorder, 213
Votes of not to be reflected upon, 192

COUNT OUT - See QUORUM

COUNTING OF COUNCIL, 54, 282

COURT OF DISPUTED RETURNS - See Electoral Act s.103

COURTS OF LAW - See EVIDENCE AND REFLECTIONS, INJURIOUS

CROWN, MINISTER OF THE - See MINISTER OF THE CROWN

CROWN OR WASTE LANDS - Bills granting, to persons or bodies, 268

CROWN SOLICITOR - Certificate of J.S.O. 29

CUSTODY -
  Persons may only be discharged from, by Order, payment of fine, or
  Prorogation, 217
  Strangers in Chamber and disorderly persons may be delivered into, 216
  Witness in custody, 435

CUSTODY OF DOCUMENTS - See DOCUMENTS

DAYS OF MEETING - Appointed, 48

DEBATE -
  Rules, forms and practice of House of Commons adopted in cases not
  otherwise provided for, 1
  Adjournment of -
    Member speaking to Question not to move, but by leave may
    conclude speech at future time, 197
    Member in charge of Bill or other matter may move motion again
    within 15 minutes of previous motion, 195
      Motion for, 195
      if carried, preaudience for Member moving, 198
      if negatived, mover and seconder may speak, 195
    On Question of Order or Privilege not entitled to precedence, 201
    On President’s Ruling to be first Order of Day for next sitting day, 205
    Resumption date to be fixed, but not beyond Session except after
      Notice, 196
    Restriction on further Motions for, 195
    To later hour or future day, 194

In Committee -
  Debate confined to question immediately before Chair, 299, 366
  Irrelevance, etc., 367
  Practice, same as in Council observed except as to number of speeches,
    seconding of Motions and Previous Question, 356
Interrupted Debate - How resumed, 71, 76, 77, 128
  See also RESUMPTION OF INTERRUPTED BUSINESS
INDEX

Limit to Debate - On Suspension of Standing Orders, 458

See also fixing day for an adjourned Debate, 196

No Debate on certain matters -

Adjournment of Council, 59
Adjournment of Debate, 195
Arranging business at 6.30 p.m., 60

Bills -

First Reading of, 283
passing of, 315
revival of Lapsed Bills, 346
Closure, 127

In Committee -
closure, 371
reporting Progress, 371
that Chairperson leave Chair, 371

Personal explanation, 173

Postponement, discharge and revival of Orders of Day, 68

Printing Paper (at time of presentation) except Ministerial Statement, 180

Privilege - reference of questions of, to Committee, 202
Strangers - withdrawal of, 447
Suspension of Member, 210

See also On presentation of Petitions, Reports and Papers, 95; 310, 410; 419; 450

Right and Manner of Speech -

Debate allowed on Ministerial Statement, 180
Explanation, personal -
in debate, when misquoted or misunderstood, 175
right of second speech for, 174
when no Question before Chair, 173

Indulgence to infirm Members, 168

Interjections out of Order, 181

Interruptions not allowed, 175, 195, 127, 59; exceptions, 182

Member -
not to speak after Question completely put, 183
rising but not speaking, 172
to resume seat when President rises, 161
to rise and address President, 167

Members - two or more rising - President to name one, 169
Order - right of second speech upon Question of, 174
Place of speaking, 167

Possession of Chair - Member in - not to be interrupted, 175;
exceptions, 182

Paper - Motion without Notice by Minister for printing, 180

Reply allowed, 176 (exceptions: amendments, Previous Question, Instructions)

Reply - right of when motion moved by Member other than one giving notice, 177

Reply closes debate, 178

Right of Member, in charge of business, to speak, 166

Second speech not allowed, except in explanation or reply or on Question of Order or Privilege, 174

Second speech allowed on Restored Bill, 174
Seconder may reserve speech, 179
Speech not to be read, 170

Questions on which Member may speak, 171

See also CONDUCT OF MEMBERS, 161-165. ORDER AND PRIVILEGE, 199-207
INDEX

Subject Matter of Speech -
- Committee speeches not to be referred to, 187
- Debates of same Session not to be alluded to, 187
- Documents regarding debates of same Session in Council not to be read, 189
- Governor’s name not to be used irreverently or to influence debate, 191
- Hansard may be read concerning Council debates of same Session, 189
- Injurious reflections not permitted, with exceptions, 192, 193
- Irrelevance, prolixity or tedious repetition, 186, 367
- Member not to digress, 185, 299, 366
- Member not to anticipate debate, 185
- Newspaper extracts relating to Council debates during same Session not to be read, 189
- Other debates of same Session or speeches in Committee - reference to not permitted except by indulgence for explanation, 187
- Other House -
  - quotation from debates of, in current Session, 188
  - measure pending in - comment not permitted, 188
  - Personal Explanations - references permitted, 187
  - Persistent irrelevance and prolixity, 186, 367
  - Question read by Clerk, 184
- Quotations from debates of current Session in other House must be relevant, 188
- Reference to proceedings in Committee before Report not permitted, 190
- Reflections -
  - on Government, Commonwealth, Members, Judges, Courts, 193
  - on vote of Council or Statute, 192
- Same Session debates -
  - in Assembly permitted to be quoted if relevant, 188
  - in Council - only Hansard to be read, 189
  - in Council allusions limited to Bill or Question under discussion, 187
- Sovereign’s name not to be used irreverently or to influence debate, 191

Definitions -
- Bills, Hybrid, 268
- Bills, Public, 267
- Interest, Personal, 225, 379
- Parliament, and stage, 347
- Terms used in Standing Orders, 3

Deputation of Members - for Presentation of Addresses to Governor -
- Addresses generally, 239, 241
- Address in Reply, 22, 23
- Joint Addresses, J.S.O. 13

Deputy Clerk - Acts as Clerk in case of absence or illness of latter, 27

Deputy President -
- Appointment of, 24, 25
- Authority limited as to time, 24

Despatches - Address for production of, 449

Dilatory Motions -
- Adjournment of Council, 59
- Chairperson to leave Chair, 371
- Debate, 195
INDEX

DISCHARGED -
Orders of the Day and Orders of the Council may be read and be, 68, 155, 156, 160
Prisoners discharged, 217

DISORDER -
Arrests to be reported without delay and time fixed for further proceedings, 217
Charge against Member only made on substantive motion after notice - procedure, 214
Commitment quashed by Prorogation, 217
Disorderly conduct stated, 208
Grave - in cases of, President may adjourn Council or suspend sitting, 213
In Committee -
in cases of grave disorder Chairperson leaves Chair and reports, 358
only punishable by Council on Report, 357
Member wilfully disobeying Order of Council, 215
President names Member and reports offence to Council, 208 and similarly on Report of Chairperson of Committees, 209
Quarrels between Members prevented by Council, 218
Suspension moved without debate, 210
Suspension, periods of, 211
Strangers, when disorderly, delivered into custody by Black Rod by direction of President, 216

DISSENTS - May be added to Select Committee Reports, 405

DISSENTIENT VOICE - “Leave of Council” must be without, 3
See also UNANIMOUS

DISTRICT COUNCILS - Bill affecting interests of, 268

DISTURBANCE - In debate not allowed, 181

DIVISIONS, 219-232 -
All present qualified to vote must vote, 224
Call for may be withdrawn, by leave, 221
Casting Vote of President - and Reasons for, 231
Concurrence or Non-concurrence of President on second or third readings of bills, 231
Confusion in or errors, 229
Division bells rung, doors locked, and Bar drawn for, 222
Errors in, 229, 230
If only one voice given on either side, 219, 228
Interested Member’s vote disallowed, 225
Interruption of not permitted, 60
Lists recorded, 232; mistakes corrected on order of President, 230
Member calling for shall not leave Chamber and to vote with declared minority, 220
Member not to vote unless within Bar when question put, 226
Mistakes corrected in Journals by order of President, 230
No decision if want of Quorum disclosed, 53
Point of Order during, may be raised only by member seated and covered and by permission of President, 200; objection to ruling, 206
Procedure for, 222
Question put and Members divide, 223
Vote of Interested Member disallowed - definition, 225
INDEX

In Committee of the Whole -
  Chairperson has casting voice only, 361
  conducted as in Council, 356
  doors locked, 394

In Select Committees -
  Chairperson -
    to have deliberative vote only, 389
    to record, 393

See also JOINT COMMITTEES, J.S.O. 6

DOCUMENTS -
  After Session, 454
  Custody of, to be with Clerk, 31, 400
  Not to be attached to Petitions except in case of Private Bills, 88
  Presented to Select Committees not to be published without leave, before
    Report, 398
  Quoted from in debate, 452

DOORS - Locked during Divisions, 222, 394

DURATION -
  of Standing Orders, 461
  of Temporary Acts, 273

DUTY - See TAX, etc., 277

E

ELECTION OF -
  Chairperson of Select Committees, 387, 388
  Committees -
    Select, 377
    Standing, 414, 415
  Managers at Conferences, 253
  President, 16-23
  Senators, J.S.O. 16

See also BALLOT; COMMITTEES, SELECT.

ENACTING WORDS - Of Bills, not put to Committee except under Instruction, 292

ENGLISH LANGUAGE - All Petitions to be in, or accompanied by English translation, 82

EQUALITY OF VOICES AND VOTES - See VOICES: TIE

ERASED TYPE -
  Used for -
    amendments to Consolidation Bills, J.S.O. 18
    clause of Council Bill appropriating Revenue, etc., 278
    suggested amendments in Assembly Bills, 341

ERRORS -
  In Bills -
    clerical and typographical may be corrected by President at any time,
      326
    drafting, before issue to Members, 324
    printing, before issue to Members, 324
INDEX

EVIDENCE -
  Clerk, officer or reporter forbidden to give, without leave of Council, 444
  Disclosure of, prior to Report, 398
  Documents not to be produced in evidence without leave of President or
  Council, 31
  Leave required before evidence given or documents produced elsewhere,
  444, 31
  Member not to give elsewhere without leave of Council, 444

EXAMINATION OF WITNESSES - See WITNESSES.

EX OFFICIO MEMBER AND CHAIRPERSON - President to be, of Standing Orders and
Library Committees, 378

EXPLANATIONS -
  Charge may be explained, 214
  Committee speeches may be referred to by indulgence, 187
  Debates of same Session may be referred to by indulgence, 187
  Member may explain words, 175
  Personal matters may be explained by indulgence, 173
  Unbecoming words require, 208

EXPUNGEMENT - Of unbecoming Notices, 104

EXTRACTS - Referring to debates of same Session, excepting Hansard, not to be
read, 189

F

FAIR PRINT -
  Bills -
    after agreement to Governor’s Amendment, 345
    before presentation for Assent, 348
    Chairperson of Committees to certify before Third Reading, 314

FIFTEEN MINUTES RULE -
  Adjournment of Council, 59
  Adjournment of Debate, 195
  Closure of Debate -
    in Committee, 371
    in Council, 127
    That the Chairperson do now leave the Chair, 371
    That the Chairperson report progress and ask leave to sit again, 371

FINED - Member or other person arrested may be fined, 217
FREE CONFERENCES, 260, 265

G

GALLERY -
  Disorder in, 216
  Members of House of Assembly or Commonwealth Parliament, 445, 446
  Strangers -
    if Member shall take notice, President or Chairperson shall forthwith put
    question “That Strangers be ordered to withdraw”, 447
    President or Chairperson may order withdrawal of Strangers from any
    part of Chamber, 447

GANGWAYS AND PASSAGES of Chamber to be kept clear, 165
INDEX

GIVING OF NOTICES - See NOTICE

GOVERNMENT BUSINESS -
Government Business of the Day postponed to Private Business on
Wednesdays, 70
Minister -
arranges as thinks fit, 65
may move for change of Order without Notice, 78
Precedence of, on Tuesdays and Thursdays, 64

GOVERNMENT PRINTER -
Papers printed by, 418
To print all Bills after First Reading, 284

GOVERNOR, THE -
Access to, claimed by President, 23
Addresses to, 235-241; for Papers, 449
Approval of, necessary, for amendment or repeal of Standing Orders, 461
Assent to, or Reservation of Bills, 345, 348: See J.S.O’s. Nos. 14, 17
Bills originated in Council to be presented to, by President, 345, 348
Injurious reflections on, not allowed, 193
Introduced to Council Chamber -
announced by Black Rod, 6
conducted to Chair by President, 6
Joint Addresses, J.S.O’s. Nos. 10-13
Messages from, 242-246
Name not to be used irreverently or to influence debate, 191
President’s election to be notified to, 22, 23
Recommends -
amendments in Bills, 342-345
Appropriation Bills in current Session, 277
Speech of -
Address in Reply to -
Committee to prepare, 12
President to present, 13
laid on Table by President, 12
Summonses House of Assembly at Opening, 8

GRANT OF MONEY - No petition to be received for, 97

H

HALF-PAST SIX O’CLOCK RULE, 60

HANSARD -
Assembly debates, 188
Council debates, 189

HANSARD REPORTER -
Not to disclose evidence, 398
Not to give evidence without leave of Council, 444
To note questions, replies and names of questioners at Select Committees,
unless otherwise ordered, 395

HOLIDAY, PUBLIC - Provision if Council is adjourned to, through want of Quorum, 57

HOUSE OF COMMONS - Practice of, used as guide, 1
INDEX

HOUSE OF ASSEMBLY -
Attendance of Council Members and Officers before Committee of, 434
Black Rod to deliver Message from Governor to, 8
Clerk of, Certifies Bills -
Appropriating Revenue, etc., 277
Constitution Bills, 279
Comment on measure pending in, 188
Communication with to be by Message, Conference or Committees conferring, 247
Debates in - quotations from in current Session, 188
Joint Addresses, J.S.O’s. Nos. 10-13
Joint Committees with similar Committees of Council, 416; J.S.O’s. 1-9
Members may be admitted to Council Chamber without the Bar, 446
Members to be furnished with Council Papers, 455
Message from, 250

HYBRID BILLS - Definition and Procedure, 268; J.S.O. on Private Bills No. 2

IMPERIAL PARLIAMENT -
Address to either House of the, 235, 238
Joint Addresses to the, J.S.O’s. 10-12
Usages of House of Commons to be used as guide in certain cases, 1

IMPOST - Bills for appropriating any, to be specially certified, 277

IMPUTATION OR INFERENCE - Not to be made in putting Questions to Members, 109

INDULGENCE -
To Members unable to stand, 168
In explanation, 173, 187

INJURIOUS REFLECTIONS not permitted, except on substantive Motion after Notice and on specific charge, 193

INSTRUCTIONS -
Members moving motion for, not to have reply, 176
Notice required, 421
Time for moving -
to Committee of the Whole, 288, 352, 426 (see also 292)
to Select Committee, 428
to Joint Committees, J.S.O’s. 7 and 18
to Committees of the Whole -
as to amendments in Bills, must be relevant to Title, 422
effect of rejection of, 425
enacting words of Bills not to be considered except under, 292
not to be mandatory or to give power already possessed, 423
rejection of, effect, 425
scope of, 422
time for moving, 288, 352, 426
to divide or consolidate Bills, 424
to Joint Committees -
Consolidation Bills - special, J.S.O. 18
require concurrence of both Houses, J.S.O. 7
to Select Committees -
scope and terms of, 427
time for moving, 428
INDEX

INTEREST, PERSONAL OR PECUNIARY -
   Definition, 225
   Determination of in Committees, 362
   Select Committee Members not to have direct Pecuniary Interest, 379
   Vote of interested Member disallowed on Motion, 225

INTERJECTIONS out of Order, if repeated, 181

INTERRUPTED BUSINESS -
   Resumption of - when caused -
      by adjournment of Council, 77
      by calling on Orders of the Day, 71
      by negativing the Closure, 128
      in Committee, 372-374
      in Council, 76

INTERRUPTION -
   Members to be heard without, 182, 127, 175, 184, 195; exceptions, 182
   Permitted to -
      call attention to Point of Order or Privilege, 182, 200
      call attention to want of Quorum, 182, 54
      request words to be taken down, 182, 207
   President to be heard without, 161
   Repeated interjections not allowed, 181
   Talking aloud not permitted, 181

IRREGULAR TIME - Motion (covering debate on urgent matter) to adjourn to, 116

IRREGULARITIES -
   In Bills, 276
   Rescission of Resolution of Council to correct - requires one day’s Notice, 159

IRRELEVANCE IN DEBATE -
   In Committee, 367
   In Council, 186

ITALICS used for -
   Amendments made by -
      Joint Committees, J.S.O. 18
      Select Committees on Bills, 311

JOINT ADDRESSES - Orders regulating, J.S.O’s. Nos. 10-13

JOINT COMMITTEES -
   Appointment, number of Members and Quorum, J.S.O’s. Nos. 1-3
   Chairperson to have deliberative but no Casting Vote, J.S.O. 6
   Instructions to, must have concurrence of both Houses, J.S.O. 7
   Power to Standing Committees to join with similar Committees of House of
      Assembly, 416
   Powers, J.S.O. 5
   Procedure, J.S.O. 9
   Quorum, J.S.O. 4
   Report, J.S.O. 8

JOINT COMMITTEE ON CONSOLIDATION BILLS, J.S.O. 18

JOINT SITTINGS OF BOTH HOUSES when electing Senators, J.S.O. 16

JUDGES -
   How introduced as Witnesses, 443
   Injurious reflections on, not permitted except on specific charge and
      substantive Motion after Notice, 193
INDEX

LAID ASIDE - Assembly Bills, 336, 338 (Money Bills, 341), Council Bills, 333, 334

LAPSED BILLS -
  Bill passed by both Houses lapses if assent or reservation not notified or
  proclaimed before Prorogation but may be revived next Session of same
  Parliament and expedited, J.S.O. 17
  Member’s right to speak on, 174
  Numbering of, J.S.O. 14
  Parliament - definition of, 347
  Revival, 346, 347. (See also Constitution Act, section 57)
  Stage - definition of, 347

LAPSED MOTIONS -
  How revived, 120
  Notices of Motion, if not moved, lapse, 72
  Notices of Motion, interrupted by Orders of the Day and not resumed, lapse,
  71

LAPSED QUESTIONS - Questions not asked or answered, lapse, 112

LAPSED ORDERS OF THE DAY -
  How revived, 68, 73
  Orders read and not disposed of, lapse, 73

LAW -
  Bills for Consolidation of, J.S.O. 18
  Courts of, 193
  Evidence not to be given elsewhere by Member, Clerk, etc., without leave,
  444

LEAVE OF ABSENCE -
  To Member, 32-36
  To President, 25

LEAVE OF THE COUNCIL -
  Definition, 3
  Matters requiring -
    to conclude Speech, 197
    to explain Question, 109
    to move Motion without Notice, 114
    to withdraw call for Division before tellers appointed, 221
    to withdraw Motion, 123
    to withdraw Previous Question, 152
    to withdraw proposed amendment, 140

LEAVE TO SELECT COMMITTEES -
  As to sittings, 391
  To confer with corresponding Committees of House of Assembly, 263, 416
  To report, 382, 383

LEAVE TO ATTEND AS WITNESS -
  To Member, Officer, Hansard Reporter, in Courts of Law, 444
  To Member before Committee of House of Assembly, 434
  To Officer of Council, 434

LEAVE TO BRING IN BILL -
  Motion for - must specify title, 269
  When presented Bill must coincide with, 272
  Withdrawal necessary if Bill not prepared in pursuance to Order of, 276
INDEX

LEGISLATIVE COUNCIL -

Adjournment of -

by President, 50, 53, 213
by Resolution, 58, 59
to irregular time (Urgency Motion), 116
Call of, 37-43
Days of meeting, 48
Definition of Council, 3
Members -

absence and attendance, 32-36
conduct, 161-165, 167, 243
not to be reflected on, 193
places of, 44-47
roll of, 28
Powers not restricted by Standing Orders, 2
Prevents quarrels between, 218
Rights claimed by President after election, 23
Suspension of sittings of -

at half past six o’clock, 60
Minister may move at any time for, 61
President may suspend when grave disorder, 213
Votes of not to be reflected on, 192

LEGISLATURE, THE -

Injurious reflections on not allowed, 193
Petitions not to contain disrespectful language against any branch of, 89

LISTS OF MEMBERS - (See also Constitution Act, section 15)
Addresses to be kept, 39
Ballot slips to be initialled by Clerk, 234
Of Committees to be posted in Lobby and Clerk’s Office, 420

LOANS - Clause in Council Bill dealing with raising, guaranteeing or repaying of, to be printed in erased type, 278

LOCAL BODIES - Bill affecting interests of one or more, 268

LOT IN CASE OF TIE -

Clerk determines election of President by, 20
President determines other elections by, 234

M

MAJORITY, ABSOLUTE -

Constitution Bills, 282 (Certificates 279, 321)
Rescinding Resolutions, 159
Suspension of Standing or Sessional Orders without Notice, 457

MAJORITY OF VOICES - Questions determined by, 129
INDEX

MANAGERS AT CONFERENCES -
Duties, 260; Money Bills, 341
May confer by word of mouth, 260
Members -
to be nominated unless ballot required, 253
to be ordinarily not less than five, 252
to be same in number as for House of Assembly, 256
When Council receives Managers for House of Assembly, 258
In case of Bills -
  instructed as to duties, 258, 260, 341
to report result in writing, 261
when Conference sought by other House, to bring back Bill, 338

MARGINAL NOTES - Read in passing clauses of Bill in Committee, 291

MATTERS OF INTEREST, STATEMENTS OF, 67b

MATERNITY LEAVE, 33, 34, 36

MEDIA - Complaints against, as breach of Privilege, 203

MEETING OF THE COUNCIL -
At Opening of Parliament, pursuant to Proclamation, 5
On other occasions, pursuant to Order, 48

MEMBERS OF THE HOUSE OF ASSEMBLY -
Admitted to Chamber without the Bar, 446
Attendance of, in Council Chamber desired by Governor, 8
Attendance of, as witnesses, 433
To be furnished with Council Papers, 455
Presentation of Joint Address to Governor in certain circumstances by, J.S.O. 13

MEMBERS OF THE LEGISLATIVE COUNCIL -
Absence and Attendance -
at call of Council, 37-43
attendance required unless leave granted, 32
presence to be recorded in Minutes, 30
orders concerning, 32-36
Absent when -
Notice of Motion called on - another may move at request of absent Member, by leave, 115
Notice of Question - another may ask at request of absent Member, 113
Order of the Day called on - another may move or postpone, but not discharge except after Notice, 156
Arrest of, 217
Bills - Committee of not less than two, instructed to prepare and bring in, 269
Charges against, 193, 214
Conduct in Chamber - Disorderly, 208-212, 217
  not to pass between President and Member speaking, 164
  not to stand in gangways, 165
  not to move about while President puts question, 162
to address President, 167
to be silent and seated when President rises, 161
to make obeisance to Chair when entering or leaving Chamber, 163
to speak from place, or another’s if no objection taken, 167
to take their places and not stand in gangways, 165
to be seated when speaking to Order during Division, 200
INDEX

In Debate - Rules relating to, 166-207
Places - Orders regulating, 44-47
Quarrels between, prevented by Council, 218
Questions may be put to, 107
Roll - How to be kept, 28
Swearing-in, 9
Withdrawal - In cases of suspension and charge, 212, 214
Witness -
  before Select Committee of Council, 431
  before House of Assembly or Select Committee thereof, 434
  examined in place in Council, 442

MESSAGES -
  From the Governor -
    may be communicated by Minister from Minister’s place, 246
    Orders regulating the reception of, 242-246
    recommending amendments to Bill, 342
    suspend Business in Council or Committee, 242, 373
  From the House of Assembly -
    received by a Clerk-Assistant at the Bar, 250
    reported by the President as early as convenient, 250
    transmitting -
      Appropriation Bills, 277
      Constitution Bills, 279
      amendments in Council Bills, 333-335
      amendments recommended by Governor, 344
      amendments suggested by Council, 341
  To the House of Assembly -
    may be moved for, without Notice, 248
    notifying -
      adoption of Conference recommendations, 338
      agreement with amendments, 330; with amendment or further
      amendment, 332
      disagreement with amendments, 331
      insistence (or otherwise) on amendments, 337, 338
    returning Assembly Bills passed, 317
    to be in writing, signed by President and delivered by a Clerk during sitting, 249
    to be delivered to Speaker by Clerk if Assembly not sitting, 249
    transmitting -
      amendments, 339-340; and suggested amendments, 341
      Council Bills, 316
      Council Bills with suggested amendments, 278
      Council Bills with Governor’s Amendments, 343

MESSENGER FROM GOVERNOR -
  Announced by Black Rod, 242
  Chairperson of Committees leaves Chair of Committee and President
  resumes Chair to receive, 373
  Message delivered to President in the Chair, 242
  Withdraws after Message has been read, 244

MINISTER OF THE CROWN -
  Adjournment of Council - Not bound by fifteen minutes’ rule, 59
  Business -
    may arrange Government Business as Minister thinks fit, 65
    may move for ordering of Business without Notice, 78
  Message from Governor - May communicate from Minister’s place, 246
  Printing of Paper - May move for when laying Paper on the Table, 451
INDEX

**Questions** -
may be put to, at time of giving Notices, 107
may decline to answer, and may answer question not asked, on ground of public interest, 111

Questions of Privilege - Referred to Committee of Privilege if Minister so claims (or if Council so resolves), 202

Seat - Entitled to reserved, 44, 45
Suspension of Sitting - May move at any time, 61
Vote of Thanks - May move, without Notice, 118

**MINISTERIAL STATEMENT** -
Debate allowed on, when Minister moves to print Paper for purpose of making Ministerial statement, 180; but not allowed otherwise.
Ordinary routine of business, time for giving, 67, and any other time, by leave, 67a

**MINORITY OF VOICES** - One of the, may call for a Division, 129, and having so called, must vote in accordance with own voice, 220

**MINUTES OF EVIDENCE** of Select Committees, 395

**MINUTES OF PROCEEDINGS** -
After Session Papers to be bound with, 454
Definition of “Minutes”, 3, 29
Clerk to note, 29
Division Lists -
to be recorded in, 232
to be corrected by President in case of mistakes, 230
Motion not seconded not to appear on, 119
Notice Paper appended to, 62

**MISTAKES** - Correction of
Division Lists, 229, 230
Involving rescission of Resolution, requires one day’s Notice, 159

**MOTIONS** -
Amendment of, 130-143
Business not to be anticipated in Motions of Urgency, 117: or otherwise, 185

* Dilatory -
adjournment of Council, 59
adjournment of Debate, 195
Chairperson do now leave Chair, 371
Formal - matter of urgent public importance, 116, 117
Further proceedings on Questions from Chair, 121-129
Interrupted by Orders of the Day being called on - resumption, 71
Lapsed may be revived, 120
May, by leave and on request, be moved by other than Member giving Notice, 115 *(See Reply, 177)*
Members to speak from own place - or another’s if no objection, 167
Members to support Motion of Urgency (three to rise), 116
Notice required, except by leave or pursuant to Standing Orders, 114;
Exceptions, e.g., 59-61, 68, 78, 116, 118, 205, 210, 225, 248, 283, 307, 313, 383, 451, 452, 457
Notices of Motion, 98-106
Notices of Motion, called on and not moved, lapse, 72
Notices of Motion, if not called on, set down for next sitting day, 74
Notices of Motion, priority of, 64-66, 70
Petition - presentation of when Motion called on, 80
INDEX

Precedence of, 65
Precedence of, to Question of Privilege, 201, 202, but not to adjourned debate on, unless so ordered, 201
Precedence of, to Vote of Thanks, 118
Privilege, 201, 202
Question proposed on, 121; put when debate concluded, 126
Rescinding Resolution, 159
Reply allowed to mover of substantive, 176, but not to mover of amendments,
Previous Question or Instruction to Committee, 176
Same Question not to be proposed again, 124
Seconder required for, 119 (not in Committee, 363)
Superseded, 122
Thanks, 118
Urgency - matters of public importance, 116
Withdrawal of, 123 (may be revived, 120)
In Committee -
not seconded, 363
not to contradict or be inconsistent with previous decision until after recommittal, 364

MUNICIPAL CORPORATIONS -
Bill affecting interests of one or more Municipalities, 268
Petitions from to be under seal, 87

N

NAME OF SOVEREIGN OR GOVERNOR - Not to be used irreverently or to influence debate, 191

NAMES OF MEMBERS -
Called by President to speak, 169; if fails to speak, 172
Called over by Clerk at Call of Council, 41, 42
Discharged from Select Committee to be stated in Notice of Motion for, 381
Preaudience - President to name Member entitled to, 169
Proposed as Managers for Conference, 253
Recorded -
by tellers in Division, 227, and entered in Minutes, 232
each day when present, 30
in proceedings and divisions of Select Committees, 393
when no Quorum, 56: at meeting of Select Committee, 390
Roll, 28

NEW MEMBERS -
Admitted within Bar and sworn, 9
Names of, entered on Members’ Roll, 28

NEWSPAPERS - Extracts from, referring to debates of same Session, not to be read, 189

NOMINATION OF COMMITTEES -
Address in Reply, 12
Conference Managers, 253
Select Committees, 377
Standing Committees, 415
To prepare Bills, 269
To prepare Reasons, 340
INDEX

NOTES -
Marginal, read by Chairperson, when reading clauses of Bills, 291
Member may refer to, when speaking, 170

NOTICE -
Absent Members - Notice given on behalf of, 100, 113, 115
Alteration of terms of, 102
Consecutive Notices, 106
Containing unbecoming expressions or offending against Standing or other Orders -
Council may expunge, 104
President shall amend or order not to be printed, 104
For discharging of or adding Members to Select Committees, 380, 381
Giving of - Orders regulating, 98-106
Of Motions containing irrelevant matters may be divided, 105
One day’s Notice, at least, required for Motions, 114
Permitted to be given at irregular times -
consideration of Select Committee Report, 411
printing Paper, 419
withdrawal of Bill, 310
Seven days’ notice required for rescinding Resolutions, 159, but one day for correction of irregularities or mistakes, 159
Time for giving, 98, 103

NOTICE PAPER -
Appended to Minutes, 62
Business on, not to be anticipated, 117, 185
Clerk to prepare, 62
Government Business - precedence of, 64, 65
Lapsed Bills - restoration of, 346
Lapsed Business, 74, 75
Motion not moved, withdrawn from, 72
Postponement of Business, 101
Precedence of unopposed Business, 14, 64
Private Business, precedence, 64
Published, 62
Question directed to President not to be placed on, 99
Unbecoming Notices expunged from, 104

NOTICES OF MOTION -
Amendment of, 102
For Leave of Absence, 34, 64
How given, 98, 106
If called on and not moved, lapse, 72
If not called on, set down for next sitting day, 74
Length of Notice, 114; exceptions: rescinding Resolutions, 159
May be divided, 105
May be moved in absence and at request of Member giving notice, by leave, 115
Member called on to move deemed to be in possession of Council, 166
Notice given for absent Member, 100
Period for giving, 69
Postponement of, 101
Priority on Notice Paper, 64, 65
Private Business - precedence on Wednesdays, 70
Relative Order of entry on Notice Paper, 66
INDEX

Resumption of, when interrupted - by Orders of Day being called on, 71;
if not resumed, lapse, 71
Time for giving, 98, 103; exception: Bill from Select Committee, 310
Unbecoming Notices expunged, 104
Withdrawal of Bill from Select Committee, 310

NOTICES OF QUESTION, 98-104, 106
Alteration of, 102
Argument, etc., not permitted in, 109
Changing day for bringing on, 101
Given for absent Member, 100; may be asked by another, 113
How given, 98, 106
If called on and not asked or answered, lapse, 112
If out of Order, 104, 109
Reply to, not to be debated, 110
Supplementary Questions without Notice, 108
Time for giving, 98; before Business of Day called on, 103
To President not entered on Notice Paper, 99
Two, not to be given consecutively if another Member has notice to give, 106

NULL AND VOID -
Proceedings of Council declared, 160
Select Committee’s Proceedings - after President has taken Chair, 392

NUMBERING OF ACTS, J.S.O. 14
O

OATH -
Administered to new Members, 9
Witnesses cannot be examined on, except where provided by law, 436

OBEISANCE TO CHAIR - Members to make, on entering or leaving Chamber, 163

OBJECTION -
To Ruling of Chairperson to be taken at once and be stated in writing, 360
To Ruling of President to be taken at once and be stated in writing, 205
To words used in debate, 207, 359

OBJECTIONABLE OR OFFENSIVE WORDS -
If taken down, Member refusing to explain or withdraw and apologise named
by President, 208
In Committee, 359
Taken down on request, 207
Use of, highly disorderly, 193

OFFICERS OF THE COUNCIL -
Attendance as witnesses before House of Assembly, 434
Not to give evidence without leave, 444
See also BLACK ROD, CLERK, DEPUTY CLERK, CLERK-ASSISTANT

OFFICERS OF THE HOUSE OF ASSEMBLY - Attendance as Witnesses, 433
See also CLERK OF THE HOUSE OF ASSEMBLY
INDEX

OPENING OF PARLIAMENT, 5-15

OPENING SPEECH OF GOVERNOR, 12, 13

OPENING SPEECH OF SOVEREIGN, 15

ORDER -

During Division -
no objection may be taken to President’s Ruling, 206
Point of, may be raised only by President’s leave while seated and covered, 200
Member may rise at any time to speak on, 200; exception: division, 200
Objection to Chairperson’s Ruling, 360
Objection to President’s Ruling, 205
Precedence given to Question of, 201
Proceedings on Question of, 204
Same rules to be observed in Committee as in House, 356
To be maintained -
by President, 199
in Committee by Chairperson, 357

ORDER IN BUSINESS - Orders regulating, 67-78
Business not called on, 74
Business set for day over which Council adjourns, 75
Minister may order Business of Council at any time without Notice, 78
Notices of Motion called on and not moved, lapse, 72
Orders of the Day -
disposed of without interruption except on Wednesdays, 70
postponed, discharged and revived without Notice, 68
read and not disposed of, lapse, 73
Ordinary routine of Business, 67
Resumption of interrupted Business, 76
Resumption of Business interrupted by adjournment of Council, 77, 374

ORDER OF LEAVE -
New Bill presented under, in lieu of one withdrawn, 276
Title of Bill must be specified in Motion for, and when presented must coincide with, 272
Withdrawn Bill may be replaced with another under same Order of Leave, 276

ORDER OF REFERENCE -
Committees confined to -
Committee of the Whole, 355
Select Committees, 397
Extended and restricted by Instruction in case of Select Committees, 427
Instructions must be relevant and not contradictory to, 422

ORDERS FOR RETURNS -
Clerk to prepare return re compliance with, 454
To be communicated, 448
INDEX

ORDERS OF THE COUNCIL -
Definition, 158
Discharged, 160
Disobedience to, 215

ORDERS OF THE DAY -
Absence of Member in charge - how dealt with, 156
Defined, 153
Discharged, 68, 155, 156
If not read, set down for next sitting day, 74
Member in charge of, or entitled to preaudience on, deemed in possession of
Council when called on, 166

Notice Paper -
place on, 64
relative order on, 66

Postponed, discharged or revived at commencement of Business, 68
Postponement beyond probable duration of Session requires Notice, 157
Priority for Third Readings of Bills, 64
Procedure, 70, 71
Read and not disposed of, lapse and how revived, 73
Revived (at commencement of Business), 68
Seconder not required, 154
Suspension of Standing Orders limited until conclusion of consideration of,
460 (with exceptions)
When called on, 69

PAPERS AND DOCUMENTS -
Addresses for, 449
After-Session Papers, 454
Council Papers to be furnished to Assembly Members, 455
Custody of, in Clerk, 31, 400
 Disclosure of, 31, 398, 400
Laid on Table, any time when no other Business before Council, 450
Leave of President or Council required before removal or production in
evidence, 31
Orders for, to be sent, 448
Petitions, 79-97
Presentation of, 450

Printing of -
on Motion of Member on Notice, 419
on Motion of Minister of Crown, 180 (no debate allowed except if made
for Ministerial Statement), 451
on Report of Printing Committee, 418, 419
Production of, in evidence, 31
Prorogation - Returns of, after, 454
Public - after presentation, may be copied, etc., 453
Quotation from in debate, 452
Reading of, 451
Removal of, 31
Return not made before Prorogation, 454
Select Committee -
custody of, 400
disclosure or publication of, only by leave of Council, 398
derendorsement of, by Chairperson, 400
evidence, 398
printing of, 310, 410
Tabling of, 67
INDEX

PARLIAMENT -
   Commonwealth -
       Members admitted without the Bar, 446
       reflections on, not permitted, 193
       Definition of, in respect of lapsed Bills, 347
       Opening Proceedings, 5-12
       Reflections, injurious, on State or Commonwealth not permitted, 193
       Reflections, injurious, on Votes of Council or Statutes of, 192

PASSAGES AND GANGWAYS OF CHAMBER to be kept clear, 165

PAYMENTS TO SELECT COMMITTEE WITNESSES, 413

PECUNIARY INTEREST -
   Definition, 225
   Determination of, in Committees, 362, 379
   Select Committee Members not to have direct, 379
   Vote of interested Member disallowed on Motion, 225

PERSONAL EXPLANATION, 173, 175

PERSONAL GRIEVANCES - Petitions complaining of, 95

PERSONAL INTEREST - See PECUNIARY INTEREST above

PETITIONS -
   Clerk to certify, 79; and read, 93
   Contents, 81, 82
   Corporations to affix Seal, 87
   Documents not to be attached (except in case of Private Bills), 88
   Discussion not allowed on presentation except on personal grievance, 93
   For distinct grant of money shall not be received, 97
   Lodgement of, with Clerk, two hours prior to meeting of Council, 79
   Personal Grievance may be discussed on presentation of Petition, 93
   Presentation of, 67, 80
      by Member, 90 -
         but not to be from Member presenting, 91
         who shall bring to Table, 93
         who shall affix name and number of signatures, 92
         who shall read Clerk’s certificate and state allegations and
         request, etc. 93
   Printing of, 96, 418, 419
   Received as from person signing, 86
   Signatures, 83-85
   Time for presentation, 67, 80
   Wording of, to be respectful, decorous and temperate, 89

PLACES OF MEMBERS - Orders regulating 44-47

POSSESSION OF THE HOUSE OR CHAIR -
   Member held to be in, when the Business of which he is in charge is called
   on, 166 -
      interruptions permitted, in certain cases, 182
      interruptions not permitted, 59, 127, 175, 184, 195
      pre-audience, 166, 169, 197, 198

POSTPONED CLAUSES -
   Clause may be postponed if not amended, 297
   Consideration - Order of, 290
INDEX

PRAYERS, 51

PREAMBLE TO BILL -

Consideration -

after clauses and schedules and before title, 290
by Select Committee - if allegations not found to be true, report to Council to be made, 305

PRE-AUDIENCE, 166, 169, 197, 198

PRECEDENCE OF -

Certain unopposed business - if so desired by Member in charge, 64 -
for production or printing of Papers, 64
for leave of absence to a Member, 64
for leave to introduce a Bill, 64
to Orders of the Day for Third Reading of Bills, 64
Debate on President’s Ruling, 205
Government Business, 64, 70
Notices of Motion over Orders of the Day, 65
Private Business, 64, 70
Questions to Members, 63
Questions of Order and Privilege, 201

PRECINCTS OF HOUSE -

Member suspended to withdraw from, 212
Strangers - Disturbance by within, 216

PREROGATIVE, ROYAL -

Address to Governor necessary for Papers required involving Prerogative, 449

PRESENTATION OF -

Addresses to Governor, 13, 237, 239, 240
Bills to the Council by Members, 270
Bills to the Governor by President, 345, 348
Joint Addresses - J.S.O’s. 12-13
Papers to Council, 450
Petitions to Council, 80
President to Governor, 22, 23
Reports -
from Committee of Whole, 375
on Conferences, 261
on Select Committees, 410

PRESIDENT, THE -

Absence of - Election of Deputy, 24, 25
Addresses - Signs, presents or transmits, and reports replies, 13, 235, 241.
See also J.S.O’s. 10-13
INDEX

Adjournment of Council -
  adjourns for want of Quorum without Question put, 50, 53, 54
  adjourns in cases of very grave disorder, 213
After-Session Papers to be forwarded to, 454
Ballots - Appoints scrutineers, and determines tie by lot, 234
Bills -
  announces Chairperson’s Certificate before Third Reading, 314
  Committees of Whole -
    leaves Chair of Council without Question put after Second
    Reading, 288 -
    exceptions:
      when Bill referred to Select Committee, 268; when
      Constitution Bill carried by less than Absolute
      Majority, 282; when Notice of Instruction has been
      given, 426
    takes Chair of Committee, 353
  counts Council before putting question for second and third reading of
  certain Constitution Bills, 282
  errors in, may be corrected after First Reading and before issue to
  Members, 324
  errors of clerical or verbal nature may be corrected at any time, 326
  passing - puts Question for, without debate, 315
  presentation to Governor of, after certification, 348, 349, 345
Casting Voice, 231; and in Committee, 361
Concurrence or non-concurrence on Second or Third Reading of Bills, 231
  See also Constitution Act, section 26(2), (3)
Chair -
  Questions from, 121, 125, 126, 128, 129
  resumes in cases of grave disorder in Committee, 358
  takes Chair at appointed time, 50
  when Governor present takes Chair on right of Governor, 6
Committees of Whole -
  leaves Chair of Council without Question on Order being made or read,
  352; exception: where Notice of Instruction given.
  resumes Chair of Council -
    in cases of grave disorder, 358
    to hear reports of Members failing to explain or withdraw words,
    359
    to hear reports of objectionable words taken down, 359
    to hear reports of want of quorum, 368, 369
  takes Chair of Committee, 353
Counts Council -
  at Second and Third Readings of certain Constitutional Bills, 282
  for Quorum, 54
Debates -
  may direct -
    Member to discontinue speech, 186
    Member to resume seat, 172 (See also 161)
    words objected to, to be taken down, 207
  Member speaking to address, 167
  names Member to speak in, 169
Divisions -
  Casting Voice (President), 231; (Chairperson), 361
  corrects errors in Minutes concerning, 230
  declares results, 227
  directs doors to be locked during, 222
  disallows vote of Member not within Bar when Question put, 226
Points of Order -
  decision on, not to be questioned until after, 206
  gives permission to Member to speak to, 200
  puts question again, 223
  reasons given for Casting Vote recorded, 231, 361

_Election_
  Orders regulating, 10, 16-23
  presentation to Governor, 22, 23
  Guided by House of Commons practice, 1

_Joint Sitting of Houses to Elect Senators_
  Summons Members and presides at J.S.O. 16

_Members to address President when speaking, 167_

_Messages_
  from Governor - receives and reads, 242, 243
  to and from House of Assembly - signs and reports, 249, 250

_Notices of Motion_
  amends unbecoming, 104
  divides irrelevant, 105

_Order_
  decides objections to Rulings of Chairperson, 360
  decides points of, 204, 206
  directs Black Rod regarding -
    disorderly strangers, 216
    Members suspended, 212
  disobedience to authority of, 208
  guided by House of Commons procedure, 1
  may adjourn or suspend sitting when very grave disorder, 213
  names and reports Member guilty of persistent and wilful disorder, 208
  objections to Rulings -
    debate on, adjourned and to be first Order of Day for next meeting
    unless otherwise ordered, 205
    to be taken at once in writing, 205
    reports -
    arrests without delay, 217
    disorder in Committee, 209
  resumes Chair when grave disorder arises in Committee, 358
  to be addressed by Members speaking, 167
  to be heard without interruption, 161

_Prayers_
  reads, 51

_Questions from the Chair_
  divides complicated, 125
  proposes, 121
  puts, 126
  puts “pending” questions in cases of closure, 128
  states opinion whether “Ayes” or “Noes” have it, 129

_Questions by Members directed to - No entry of, on Notice Paper, 99_

_Quorum_
  Adjourns Council for want of Quorum without Question put, 50, 53, 54

_Rulings of, 204, 206_

_Seats of New Members - Determines, 46_

_Select Committees_
  documents presented to, may be ordered to be released by, 400
  _ex officio_ member and Chairperson of Standing Orders Committees and
  not eligible for appointment to other, 378, 414

_Speech of Governor - Tables copy of, 12_
INDEX

Strangers
- admits, 445
  orders -
  delivery into custody of, 216
  withdrawal of, 447
Suspension of Sitting - May suspend sitting in cases of very grave disorder, 213
Vacancy in Office -
  during Recess, 10
  during Session, 26
Vote - Casting, 231; on Second and Third Readings of Bills, 231
Warrants - To enforce attendance of witnesses, 432, 435
Witnesses -
  examines before Council, 439
  summons Members of Council, 430
  summons others to attend before Council or Committee of the Whole, 429

Previous Question -
  Cannot be amended or moved on an amendment, 147
  Cannot be moved or debated by a Member who has spoken, 149
  Cannot be moved while an amendment is undisposed of and prevents amendments being moved until itself withdrawn, 148
  Carries no reply, 176
  Debate on, 151
  Form of motion for, 144
  If affirmed, next business proceeded with, 145
  If negatived, original question put without further debate, 146
  In case of a series of propositions, 150
  May be moved on Second and Third Readings of Bills, 287, 312
  May be withdrawn by leave and again moved, 152
  No Motion for, allowed in Committee, 365
  Questions superseded by, 122; revival, 145
  Superseded by adjournment of Council, 122

Printing -
Bills -
  after First Reading, 284
  after Report, 306, 310, 311, 313, 314
  amendments of House of Assembly, 327
  Bill not to be reprinted before Report, 301
  errors corrected, 324, 326
  use of erased type in -
    Assembly Bills - procedure on suggested amendments, 341
    Council Bills appropriating Revenue or other public money or dealing with taxation or raising, guaranteeing or repaying of any loan, 278; no question put on clauses in erased type, 298
    Consolidation Bills - J.S.O. 18
  use of italic type in -
    Bills amended by Select Committees, 311
    Consolidation Bills - J.S.O. 18
    when Bill finally agreed to by both Houses, 348
    when Governor’s Amendments agreed to, 345
INDEX

_Papers, Petitions and Reports -_
Motion for adoption of Printing Committee Reports - details of Papers not open to discussion on, 419
no debate on Motion to print without Notice unless covering Ministerial Statement, 180
Petitions - Member moving for printing of, to state intention of subsequent action, 96
printing may be moved by Minister of Crown without Notice on presentation, 451
printing of Select Committee Reports on presentation, 310, 410
stand referred to Printing Committee for report where not already printed or ordered to be printed, 418
where not recommended by Printing Committee, Member may give Notice of Motion for, 419

(Printing Committee -
Appointment, 415
Duties, 418
Powers, 416
Procedure after report, 419
Quorum, 417
Reports, 416
Time for appointment, 11, 414

_Priority of Business -_ See Precedence

_Business -_
formal, 14
Government, 64
Private, 64, 70
unopposed, 14, 64

Notices of Motion over Orders of the Day, 65
Notices of Questions, 63
President’s Ruling - debate on, 205
Questions of Order and Privilege, 201

_Prisoner in Gaol, 435
PRIVATE BILLS - See also Joint Standing Orders on -
Defined - Joint Standing Orders (Private Bills) No. 1
Petitions for, may have documents attached, 88
Witnesses - See 433

PRIVATE BUSINESS - Precedence to, on Wednesday, 64, 70

_PRIVILEGE - 200-203
Breach of, by media, 203
_Committee of -
Council may resolve to refer question to, 202
Minister may move for reference to, 202
_Questions of -
between Houses, 202
may be raised at any time, 200
may be referred to Committee of Privilege, 202
suspend business, 201

_PRIVILEGES OF COUNCIL -
Not restricted by Standing Orders, 2
Rights claimed by President after election, 23
INDEX

PROCEEDINGS OF COUNCIL -

Minutes of -
Casting Vote of President and Chairperson - any reasons given to be recorded in, 231, 361
Clerk to note, 29
definition of, 29
Divisions lists to be recorded in, 232
Division lists - mistakes in, to be corrected by President, 230
Members' attendances to be recorded in, 30
Motion not seconded not to appear in, 119

PROCLAMATION CONVENING PARLIAMENT - To be read by Clerk, 5

PROLIXITY IN DEBATE, 186, 367

PROROGATION OF PARLIAMENT -
Commitments quashed by, 217
Bills not assented to or reserved at, lapse, J.S.O. 17

PROTECTION -
Witnesses before Select Committee entitled to, 437

PROTESTS AND DISSENTS may be added to Select Committee Report, 405

PUBLIC HOLIDAY -
Provision if Council is adjourned to, through want of Quorum, 57

Q

QUARRELS - Council will interfere to prevent, between Members, 218

QUARTER OF AN HOUR RULE -
Adjournment of Debate, 195
Adjournment of House, 59
Closure of Debate, 127

QUESTIONS FROM THE CHAIR -
Amendments, 130-143
Clerk may be required to read, 184
Closure, 127, and questions pending put at discretion of President, 128
Definitions of Resolution and Order of Council, 158
Determined by majority of voices; exceptions: 129, President states his opinion of result, 129
How superseded, 122
How withdrawn, 123
Orders of the Day, 153-157
Previous Question, 144-152
INDEX

Proposed by President, 121
Put by President when debate ended, 126; opinion on result stated, 129
Question again stated before Division, 223
Resolutions, rescission of, 159
Same Question not to be again proposed unless previous resolution rescinded, 124, 159
When complicated - may be divided by President, 125

QUESTIONS TO MEMBERS, 98-113
Absence of Member who has given Notice, 113
Answers not to be debated, 110
Explanation of question requires leave, 109
Minister may decline to reply, or may answer unasked question, 111
Notice of -
alteration of terms of, 102
first business on Notice Paper, 63
given for absent Member, 100
how given, 98
irregular or unbecoming, may be amended by President or expunged from Notice Paper, 104
postponement of, 101
time for giving, 98, 103
Questions called on and not asked or answered, lapse, 112
Questions addressed to President not entered on Notice Paper, 99
Restrictions on putting questions and limitation of explanations concerning, 109
Subject matter of questions, 107
Supplementary questions may be asked arising out of answer to, 108
Time for asking, 67, 63
Without Notice, 67, 69, 107
See also Matters of urgent public importance, 116

QUESTIONS TO WITNESSES -
Before Council or any Committee thereof, 436-442
Before Select Committees, 395, 396

QUORUM -
In Council -
adjournment for want of -
at time of meeting, 50
when reported by Tellers or Chairperson of Committees, 53
after notice taken, 54 - Council counted and bells rung, 54
consists of ten Members including President, 50 (see Constitution Act, section 26)
Members not to leave Chamber -
at time of meeting until Quorum made up, 52
when President counting Council, 55
Members present at time of adjournment for want of quorum - names to be recorded, 56
resumption of Business interrupted by count out, 76, 374
INDEX

In Committee -
consists of ten Members including Chairperson, 354
Members not to leave Chamber while bells are ringing to make up Quorum, 368
resumption of Business interrupted by count out and adjournment of Council, 374
want of Quorum to be reported by Chairperson - after Division, 369
after notice taken and count taken, 368
In Joint Committees - subject to minimum fixed by each House, may be fixed by Committee, J.S.O. 4
In Select Committees -
absence of, at time of meeting or after, 390
consists of three in Committee of five, or as ordered at time of appointment, 386
In Standing Committees - three unless otherwise ordered, 417

Quotations From -
Assembly debates of current Session, 188
Documents during debate, 452
Council debates, 189
Newspapers, 189

R
Rate - Bills for appropriating any Rate, Tax, Duty or Impost to be specially certified, 277

Reasons -
Assigned by Assembly in case of disagreement with suggested amendments in Money Bills, 341
Assigned when casting vote given by President, 231; Chairperson of Committees, 361

Recommendation of Governor -
Assembly Bills and Amendments appropriating Revenue - to be certified by Clerk of Assembly, 277
Amendments in Bills, 342-345

Recommendations from Conferences, 260, 338

Recommittal of -
Bills, 307, 313, 290, 295
Resolutions, 376

Records -
Clerk to -
have custody of, 31
keep Members’ Roll, 28
keep Minutes of Proceedings, 29, and attendance of Members, 30
keep signed copies of Acts, 350

Refections, injurious - Not permitted on Parliament of State or Commonwealth or Members thereof, the Governor, and the Judges or Courts of Law, except on substantive Motion after Notice and on specific charge, 193

Reflections on Votes of Council and Statutes - Not permitted except on motion for rescinding or repealing the same, 192, 193
INDEX

REPEAL OF -
Previous Standing Orders, 4
Statutes, 192, 274

REPETITION OF -
Certain Summary Motions restricted -
adjournment of Council, 59
adjournment of Debate, 195
closure, 127
in Committee -
  Chairperson do now leave Chair, 371
  Question be now put, 371
  reporting progress, 371
Speech, 186
Speech, in Committee, 367

REPLY -
Allowed to mover of substantive Motion, 176; but may be waived in favour of another, 177
Closes debate, 178
Governor’s Opening Speech, 12
Governor’s Reply to presentation of -
  Addresses, 241
  President, 23
Not allowed on amendment, Previous Question or Instruction 176

REPORTER TO THE COUNCIL -
Not to give evidence elsewhere without leave of Council, 444
Not to disclose evidence, 398
To note questions, replies and names of questioners at Select Committees, unless otherwise ordered, 395

REPORTS -
Governor’s reply to -
  presentation of Addresses to be reported, 241
  presentation of President to be reported, 23
Of Committees of the Whole Council to be brought up and received without question, 375, and dealt with, 376
Results of Conferences to be reported, 261
Of Select Committees - see 401-412
On Bills - see 306-311

RESCINDING A RESOLUTION -
During same Session requires seven days’ Notice and Absolute Majority, 159
Procedure, 159 - see also Reflection on Vote or Statute, 192
To correct irregularities or mistakes requires one day’s Notice, 159

RESOLUTIONS -
Definition, 158
May be communicated to Assembly on Motion without Notice, 248
Reflection on, not permitted with exception, 192
Rescission of -
  in same Session requires seven days’ Notice and Absolute Majority except in cases of error, 159
  in cases of error one day’s Notice required, 159
Reported from Committee by Chairperson, 370 -
  how treated, 376
INDEX

RESTORED BILLS, 174, 346, 347; J.S.O.’s. 14 AND 17

RESUMPTION OF INTERRUPTED BUSINESS -
   Caused by -
      adjournment of Council, 77
      negativing the Closure, 128
      Orders of the Day being called on, 70, 71
      other proceedings, 76
     In Committee, 372-374

RETURNS AND PAPERS - May be presented at any time when other business not before Council, without comment, 450

RETURNS BY RETURNING OFFICER - Petitions against, 90, 95

REVENUE, THE - Bills appropriating, 277, 278

REVIVAL OF -
   Bills, 281, 346, 282, 341, 174
   Committees, 372, 374, 412
   Motions, 120
   Orders of the Day, 68, 73

ROLL - Members’, how to be kept, 28

ROYAL ASSENT - Bills agreed to by both Houses not assented to or reserved prior to prorogation, J.S.O. 17

ROYAL FAMILY -
   Addresses to members of -
      how proposed and signed, 236
      how transmitted, 237
   Joint Addresses to - how presented, J.S.O. 12

ROYAL PREROGATIVE -
   Address to Governor necessary for Papers required, involving, 449

RULINGS OF -
   Chairperson of Committees - Objection to, 360
   President, 204 - Objection to, 205

S

SAME QUESTION -
   Not to be again proposed during Session unless previous resolution rescinded, 124, 139
   Re Bills -
      see Amending Act of same Session, 274

SCHEDULES TO BILLS -
   In Committee -
      consideration - Order of, 290
      questions put on, 291, 296
   Recommittal on Third Reading for consideration of, 313
   Reconsideration, 300
INDEX

SCHEDULES TO MESSAGES -
Of Amendments -
agreed to with amendment or further amendment, 332
disagreed to, 331
form of, 339
signed by Clerk, 339
Of Reasons for Disagreement with Amendments -
assigned when amendments disagreed to, 331
drawn up by Committee of three nominated Members upon adoption of
Report, 340
signed by Clerk, 340
Of Suggested Amendments, 341

SEATS OR PLACES OF MEMBERS - Orders regulating, 44-47

SECONDER OF MOTION -
May reserve speech, 179
Not required on Orders of the Day, 154
Not required in Committee, 363
Restrictions on those seconding Motions for -
adjournment of Council, 59
adjournment of Debate, 195
closure, 127

SELECT COMMITTEES - See 377-413 and Committees, Select.

SENATORS OF COMMONWEALTH PARLIAMENT -
Joint Sittings of House for election of, J.S.O. 16
Members admitted without Order to Chamber without Bar, 446
Not to be injuriously reflected upon, 193

SESSIONAL ORDERS - Suspension of, 456-460

SEVEN DAYS’ NOTICE required for -
Joint Sittings for election of Senators, J.S.O. 16
Motions to rescind Resolutions except in cases of errors, 159

SIGNATURES ON PETITIONS, 83-87

SIX MONTHS’ AMENDMENT-
If carried, Bill cannot be revived, 281
To Second and Third Readings of Bills, not open to amendment, 287

SOVEREIGN -
Addresses to, 235; transmission to Governor, 237, 239, 240, 241
Irreverent use of name, or to influence debate, not permitted, 191
Opening Speech by, 15
INDEX

SPEAKER OF HOUSE OF ASSEMBLY -
   Joint Addresses -
      signs and agrees as to mode of presentation, J.S.O’s. 11, 12
      originating in Assembly, presented by, J.S.O. 13
   Joint Sittings for election of Senator -
      summoned by, in absence of President, J.S.O. 16

SPEECHES -
   In Committee not to be referred to in Council except in explanation, 187
   Right and manner of, 166-181, 183-184
   Subject matter of 185-193; in Committee, 299, 366-367
   Time limit on (suspension of Standing Orders), 458

SPEECH OF GOVERNOR, 12, 13

STAGE OF BILL - Definition of term “stage” re lapsed Bills, 347

STANDING COMMITTEES -
   Appointment of, 11, 414
   Orders regulating appointment, powers, and quorum, 414-417
   Printing Committee -
      instruction to, 418
      report of, 419

STANDING ORDERS -
   Applicable to procedures of Joint Committees and to Joint Sittings to elect
      Senators, J.S.O’s. 9, 16, 31
      Committee, 414-417. See also Committees, Standing
   Disobedience of, 208
   Duration of, 461
   Private Bills - See Joint Standing Orders on Private Bills
   Repeal of previous, 4
   Suspension of Standing and Sessional Orders -
      by Motion after Notice by ordinary majority, 456
      by Motion without Notice by Absolute Majority in cases of urgent
         necessity, 457
      discussion on Motion for, limited, 458
      mover of Motion for suspension limited to five minutes, 458
      not to be moved after Orders of the Day called on except to expedite
         business, 460
      operation of suspension limited to special object and to day’s sitting,
         459

   Suspension not permitted in respect of Standing Orders concerning -
      Constitution Bills requiring Absolute Majority on Second and Third
         Readings, 282
      Same Question, 124
      six months’ postponement of Second or Third Readings of Bills, 281

STATE POLICY - overrules question of Member’s personal interest, 225

STATUTES not to be reflected upon: exception; 192
INDEX

STRANGERS -
Admitted only by President within or without the Bar, 445
If disorderly may be arrested and punished, 216, 217
If Member takes notice, question “That strangers be ordered to withdraw”
must be put, 447
Members of House of Assembly or of Commonwealth Parliament may enter
without the Bar without an order, 446
President or Chairperson may order strangers to withdraw, 447
Withdrawal of, may be ordered by President or Chairperson, 447
Select Committees may admit or exclude, 396

SUGGESTIONS IN MONEY BILLS -
Originating in Assembly, procedure, 341
Originating in Council, 278; no question to be put in Committee, 298

SUMMARY MOTIONS -
Adjournment of Council, 59
Adjournment of Debate, 195
Closure, 127, 128
In Committee -
that Chairperson do now leave the Chair, 371
that Chairperson report progress, 371
that Question be now put, 371

SUPERSEDING OF QUESTIONS -
By adjournment of Council, Previous Question and by amendment, 122
Of Proceedings of Committee of the Whole, 372

SUSPENSION OF BUSINESS -
During Conference, 254
On questions of Order and Privilege, 201
When Message received from Governor, 242
See resumption, 76

SUSPENSION OF MEMBER -
For disobedience of Order of Council, 215
For disorderly conduct in Council, 210-212

SUSPENSION OF QUESTIONS - By Points of Order or Privilege, 201

SUSPENSION OF SITTINGS -
Half-past Six O’Clock Rule, 60
Minister may move at any time, 61
President may suspend sitting in cases of very grave disorder, 213

SUSPENSION OF STANDING ORDERS AND SESSIONAL ORDERS, 456-460
Standing Orders 124, 281, 282 may not be suspended
INDEX

SWORN - New members to be, 9

T

TABLE, THE -
Documents quoted in debate ordered to be laid upon, 452
Governor's Speech laid on by President, 12
Members may speak from, 167
Papers may be laid on, without comment, 450
Reports of Select Committees to lie upon, 409
Writs to be laid on, 9

TABLING DOCUMENTS QUOTED IN DEBATE, 452

TAXATION - Clauses in Council Bills dealing with, 278

TAX, RATE, DUTY OR IMPOST - Bills for appropriating to be specially certified by
Clerk of the Assembly, 277

TEDIOUS REPETITION OF SPEECH, 186, 367

TELLERS -
Appointed by President on Division, 223
Make out and sign Division Lists, 227

TEN MINUTES - Allowed to form Quorum, 50

THANKS - Vote of, may be moved without Notice by Minister, 118

TIE -
Chairperson gives Casting Voice, 361
In election of President, Clerk determined by lot, 20
In other elections by ballot, President determines by lot, 234
President gives Casting Voice, 231
Select Committee Chairperson has deliberative but no casting voice, 389

TIME LIMIT TO SPEECHES - Five minutes on Suspension of Standing or Sessional
Orders, 458

TITLE OF BILL -
Any amendment to (in Committee) to be specially reported, 293
Clauses to come within, 272
Instructions must be relevant to, 422
May be amended after Third Reading, 315
Reading of, when Bill ordered to be read, 280
To be amended to accord with amendments in Bill, 293, 315
To be specified in Motion for leave to introduce Bill, 269
To coincide with Order of Leave when Bill presented, 272

TRANSLATION - Petitions to be in English or have English translation, 82

TUESDAY AND THURSDAY Sittings -
Appointed, 48
Precedence to Government Business at: qualification, 64
INDEX

TWICE -
No Member to speak twice, with certain exceptions, 174
Same Member not to move certain Motions twice, 59, 127

TWO NOTICES - Not to be given consecutively by same Member if another Member
has one to give, 106

U

UNANIMOUS -
Leave of Council, 3
Member may obtain leave to conclude speech with unanimous pleasure of
Council, 197

UNBECOMING NOTICES amended or expunged, 104

UNOPPOSED BUSINESS -
Entertained before Adoption of Address in Reply, 14
Priority of, on Notice Paper, 64

URGENCY -
Addresses, 235
Debates without Notice -
evidenced by three Members rising in places, 116
in lieu of Questions without Notice, 116
limited to one hour’s duration unless otherwise ordered, 116
Petitions, 95
Suspension of Standing Orders, 457

URGENT MATTER OF PUBLIC IMPORTANCE - Order regulating Motion concerning,
116

V

VACANCY IN OFFICE OF PRESIDENT -
During Recess, 10
During Session, 26

VOICES -
To be given, “Aye” or “No”, 129
When equal -
Casting Voice to be given by -
Chairperson of Committees, 361
President, 231
in Joint Committee, Chairperson has Deliberative but no Casting Voice,
J.S.O. 6
See also Leave of Council, 3; unanimous pleasure, 197

VOTES DISALLOWED BY -
Committees, 362, 379 (personal interest)
Council, 225 (personal interest)
President, 226 (if not present within Bar when Question put)

VOTE OF COUNCIL - Reflections on, not permitted with an exception, 192
INDEX

VOTE OF THANKS may be moved by Minister without Notice, 118

VOTING -
   Ballot -
       election of President, 18-20
       for Conference Managers, if demanded, 253
       for Select Committees, if demanded, 377, 381
       for Standing Committees, if demanded, 415
       not to be interrupted, 60, 69
   Divisions, 219-232
   Tie in -
       on election of President, determined by lot by Clerk, 20
       other elections, determined by lot by President, 234
   Voices to be given Aye or No, 129
   When equal -
       in Committee of Whole, Chairperson has Casting Voice, 361
       in Council, President has Casting Voice, 231
       in Joint Committees, Question passes in negative, J.S.O’s. 6 and 24

WARRANT OF PRESIDENT -
   Witnesses failing to obey, 432
   Witnesses in custody, 435

WASTE LANDS - Bills granting to persons or bodies, 268

WEDNESDAY SITTINGS -
   Appointed, 48
   Precedence to Private Business at, 64, 70

WITHDRAWAL OF -
   Amendments, by leave, 140
   Bills, irregular, 276
   Divisions, calls for, 221
   Members of Council - in cases of suspension and charge, 212, 214
   Motions, 123, 120
   Objectionable and Offensive Words, 208
   Previous Question, 152
   Strangers, 216, 447
   Witnesses, 441
   Words, 208

WITNESSES -
   Before Committee of Whole, any Member may put questions directly to, 440
   Before Council, examined by President, 439
   Examination on Oath not permitted except when provided by law, 436
   How summoned, 429-432
   Judges examined within the Bar, 443
   Members -
       examined in place, 442
       not to give evidence without special permission of Council, 444
       required as, by other House by Message, 433, 434
   Neglect to obey summons, 432
   Officers -
       not to give evidence without special permission of Council, 444
       required as, by other House, 433, 434
INDEX

Payment of, by Select Committees, 413  
Procedure before Council or Committee of Whole, 438, 442  
Procedure before Select Committees, 395, 396  
Protection of, 437  
When in Prison, 435  
Withdraw if Question objected to, or other matter arise, 441

WORDS -  
Enacting - of Bills, not put to Committee except under Instruction, 292  
Objectionable or Offensive -  
  if taken down, Member refusing to explain or withdraw and apologise, named by President, 208  
  in Committee - reported by Chairperson to President, 359  
  use of, highly disorderly, 193

WRITS to be laid on the Table, 9

WRITING - Definition, 3